United Nations S/2003/984

Security Council

Distr.: General
13 October 2003

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Draft resolution

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolutions 1386 (2001) of 20 December 2001, 1413 (2002) of 23 May 2002 and 1444 (2002) of 27 November 2002,

Reaffirming also its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Reaffirming also its resolutions 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001 and reiterating its support for international efforts to root out terrorism in accordance with the Charter of the United Nations,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves and welcoming the continuing cooperation of the Afghan Transitional Authority with the International Security Assistance Force,

Reaffirming the importance of the Bonn Agreement and recalling in particular its annex 1 which, inter alia, provides for the progressive expansion of the International Security Assistance Force to other urban centres and other areas beyond Kabul,

Stressing also the importance of extending central government authority to all parts of Afghanistan, of comprehensive disarmament, demobilization and reintegration of all armed factions, and of security sector reform including reconstitution of the new Afghan National Army and Police,

Recognizing the constraints upon the full implementation of the Bonn Agreement resulting from concerns about the security situation in parts of Afghanistan,

Noting the letter dated 10 October 2003 from the Minister for Foreign Affairs of Afghanistan (S/2003/986, annex) requesting the assistance of the International Security Assistance Force outside Kabul,

Noting the letter dated 6 October 2003 from the Secretary-General of the North Atlantic Treaty Organization (NATO) to the Secretary-General (S/2003/970) regarding a possible expansion of the mission of the International Security Assistance Force,

03-55549 (E) 131003

Determining that the situation in Afghanistan still constitutes a threat to international peace and security,

Determined to ensure the full implementation of the mandate of the International Security Assistance Force, in consultation with the Afghan Transitional Authority and its successors,

Acting for these reasons under Chapter VII of the Charter of the United Nations,

1. *Authorizes* expansion of the mandate of the International Security Assistance Force to allow it, as resources permit, to support the Afghan Transitional Authority and its successors in the maintenance of security in areas of Afghanistan outside of Kabul and its environs, so that the Afghan Authorities as well as the personnel of the United Nations and other international civilian personnel engaged, in particular, in reconstruction and humanitarian efforts, can operate in a secure environment, and to provide security assistance for the performance of other tasks in support of the Bonn Agreement;

2. *Calls upon* the International Security Assistance Force to continue to work in close consultation with the Afghan Transitional Authority and its successors and the Special Representative of the Secretary-General as well as with the Operation Enduring Freedom Coalition in the implementation of the force mandate, and to report to the Security Council on the implementation of the measures set out in paragraph 1;

3. *Decides also* to extend the authorization of the International Security Assistance Force, as defined in resolution 1386 (2001) and this resolution, for a period of twelve months;

4. *Authorizes* the Member States participating in the International Security Assistance Force to take all necessary measures to fulfil its mandate;

5. *Requests* the leadership of the International Security Assistance Force to provide quarterly reports on the implementation of its mandate to the Security Council through the Secretary-General;

6. *Decides* to remain actively seized of the matter.

United Nations A/ES-10/239–S/2003/985

General Assembly
Security Council

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10 October 2003

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-eighth year

Identical letters dated 10 October 2003 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

As it continues carrying out its military campaign on all levels against the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, Israel, the occupying Power, continues to wilfully kill Palestinian civilians and to destroy Palestinian land and properties. Today, just after midnight (Palestine time), the Israeli occupying forces carried out an intense raid deep into the Rafah refugee camp in the Occupied Gaza Strip. During this raid, the occupying forces, using machine gun fire and helicopter missile fire, killed seven Palestinians, including two children. Those two children were an 8-year-old boy, Ibrahim Ahmed Al-Qarynawi, and a 12-year-old boy, Sami Talal Salah.

In addition to those killed, at least 50 other Palestinians were wounded by the occupying forces, with most of the casualties occurring when a missile was fired from a helicopter gunship at a crowd of civilians. The high number of casualties overwhelmed the local Najar Hospital in Rafah, which did not have enough medicine or supplies to treat all of the wounded. Moreover, the many seriously wounded victims could not be transferred to other hospitals because of the continuing imposition of restrictions on movement imposed by the Israeli occupying forces in the area.

At the same time, as noted above, the Israeli occupying forces continued the barbaric practice of demolishing Palestinian homes and razing and destroying Palestinian land. Such illegal practices have been carried out as a form of collective punishment of the Palestinian people and also as part of Israel's ongoing campaign of settler colonialism and its building of the expansionist conquest wall in the Occupied Territory in flagrant violation of international law, including international humanitarian law. In this regard, in Gaza today at least three homes were bulldozed by the occupying forces. These demolitions follow the dozens of other demolitions carried out by the occupying forces throughout the Occupied Palestinian Territory in the four weeks since my last letter to you, including the bulldozing of 13 buildings

03-55340 (E) 101003

in the Gaza Strip on 1 October. In addition, during the numerous raids carried out, the occupying forces continued to arrest and detain more Palestinians. Currently, more than 6,000 Palestinians, including children and women, are being illegally detained or imprisoned by the occupying Power.

As the death toll continues to rise almost daily and the destruction continues to mount, the humanitarian crisis being endured by the Palestinian people also continues to intensify. Faced with the continuing suffocating restrictions imposed by Israel on the movement of persons and goods, including medical and humanitarian, the socio-economic conditions of the Palestinian people continue to deteriorate, further deepening their suffering and hardships. Such relentless and continuing violations by the occupying Power of the human rights of the Palestinian people and of all norms and principles of international law have seriously exacerbated the already critical and unstable situation on the ground after more than three years since the onset of the second Palestinian intifada and Israel's vicious military campaign to crush it.

This letter is in follow-up to our previous 173 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 10 September 2003 (A/ES-10/236-S/2003/874), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my regret to inform you that, since my last letter, at least 34 Palestinians, including several children, have been killed by the Israeli occupying forces, raising the total number of martyrs to 2,567 Palestinians. (The names of the martyrs that have been identified thus far are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly under item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 10 October 2003 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem* (Saturday, 13 September 2003, to Friday, 10 October 2003)

Saturday, 13 September 2003

1. Fathi Mahmoud Hussein Bulbul
2. Mahmoud Ahmed Nasr Issa
3. Mohammed Shukri Khalil Al-'Assi
4. Ahmed Ghaleb Saida Tahaineh (17 years old)

Sunday, 14 September 2003

Ahmed Nayef Taha Abu Latifah (12 years old)

Tuesday, 16 September 2003

Ahmed Fawzi Abu Doosh

Wednesday, 17 September 2003

Fadi Kamal Saleh Abu Zunt

Thursday, 18 September 2003

Jihad Izzat Salem Abu Sweireh

Monday, 22 September 2003

1. Basel Shafiq Al-Qawasmi
2. Shadi Awni Mansour (16 years old)

Tuesday, 23 September 2003

Marwan Ahmed Al-Najjar

Wednesday, 24 September 2003

Mohammed Issa Hamdan (16 years old)

Thursday, 25 September 2003

1. Dina Hassan Issa (3 years old)
2. Mohammed Basheer Aqel
3. Mohammed Abdelnabi Abu Ormaneh
4. Riyab Abdelrahim Abdelaziz Talahmeh

* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 is 2,567.

5. Ibrahim Khalil Tawfik Abu Al-Rab (died from wounds sustained on 19 September)
6. Izzat Salem Abu Sweireh (died from wounds sustained on 18 September)
7. Mazen Yousef Salameh Mubarak
8. Rabah Ibrahim Abu Dakkeh

Thursday, 2 October 2003

Selim Mohammed Al-Bayoumi

Saturday, 4 October 2003

1. Mohammed Abdelqader Al-Badrsawi (1 year old) (died from wounds sustained on 1 October)
2. Saeed Mohammed Suleiman
3. Mohammed Ayman Yousef Barahmeh (9 years old)
4. Sarhan Burhan Hussein Sarhan

Sunday, 5 October 2003

Saeed Hussein Abu Azzoum

Thursday, 9 October 2003

Fadi Omar Samahneh (17 years old)

Friday, 10 October 2003

1. Ibrahim Ahmed Al-Qarynawi (8 years old)
2. Sami Talal Salah (12 years old)
3. Mohammed Fathi Abdelwahab
4. Nader Selim Abu Taha
5. Mohammed Ahmed Yunis
6. Ala'a Noman Mansour
7. Atwa Abu Muhsen

United Nations S/2003/986

Security Council

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Letter dated 13 October 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 10 October 2003, which I received from the Minister for Foreign Affairs of Afghanistan.

I should be grateful if the present letter and its annex could be brought to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

03-55457 (E) 131003

Letter dated 10 October 2003 from the Minister for Foreign Affairs of Afghanistan addressed to the Secretary-General

On behalf of the Afghan Government, I would like to take this opportunity to express our appreciation for the United Nations efforts towards stability and security in Afghanistan, in particular through the development of the International Security Assistance Force (ISAF) under Security Council resolution 1386 (2001) of 20 December 2001 and subsequent resolutions. We hereby reiterate our continued support for this mission.

Notwithstanding the considerable progress made in providing security in Kabul and the surrounding areas thanks to the assistance of ISAF, the security situation in various parts of the country remains relatively unstable and is a continued impediment to further progress in reconstruction and development overall.

The Afghan authorities have repeatedly welcomed the assumption of strategic command, control and coordination of ISAF by the North Atlantic Treaty Organization (NATO), and take note of its stabilizing role in Afghanistan, including the prospect of an expansion of NATO's ISAF mission as outlined in the letters of the Secretary-General of NATO of 2 and 6 October 2003 (see S/2003/970). The Afghan authorities also welcome the NATO intention to deploy a pilot project in Kunduz and to undertake deployments outside Kabul in support of specific events or processes (such as electoral and disarmament, demobilization and reintegration-related events) subject to a new Security Council mandate.

The Afghan Government therefore requests the Security Council to consider expanding the mandate of ISAF in Afghanistan, as proposed by the Secretary-General of NATO in his letters of 2 and 6 October 2003.

Referring to my letter of 14 December 2001 to the President of the Security Council, the Afghan Government reiterates the need for full coordination with the Afghan authorities in Kabul, as occurs now with the existing ISAF mission.

The Afghan Government expresses once more its profound gratitude for the assistance rendered so far by the Security Council, its member States, NATO and the international community to the Afghan people and hopes that the Security Council will consider its requests favourably in its pertinent resolutions.

(*Signed*) A. **Abdullah**
Minister for Foreign Affairs

United Nations S/2003/987

Security Council

Distr.: General
13 October 2003

Original: English

Report of the Secretary-General on the situation in Somalia

I. Introduction

1. The present report is submitted pursuant to the statement of the President of the Security Council of 31 October 2001 (S/PRST/2001/30), in which the Council requested me to submit reports at least every four months on the situation in Somalia and the efforts to promote the peace process, including updates on the scope and contingency planning for launching a peace-building mission for Somalia.

2. The report covers developments since my previous report, dated 10 June 2003 (S/2003/636). Its main focus is the progress made and the challenges faced by the Somali national reconciliation process at Mbagathi, Kenya, as well as the support given to it by the international community, under the auspices of the Intergovernmental Authority on Development (IGAD) and its Kenyan chairmanship. The report also provides an update on the political and security situation in Somalia and the humanitarian and development activities of United Nations programmes and agencies.

II. Somali national reconciliation process

3. By mid-June 2003, the plenary of the Somalia National Reconciliation Conference had endorsed the reports prepared by five of the six reconciliation committees, namely, those on disarmament, demobilization and reintegration; land and property rights; economic recovery, institution-building and resource mobilization; regional and international relations; and conflict resolution and reconciliation.

4. Disagreements in the committee on federalism and a provisional charter prevented it from concluding its report. The major points of disagreement centred on the length of the transitional period, the members of Parliament and the modality for their selection, the timing of the establishment of a federal system of government and the status of the existing regional and local authorities, in particular, "Somaliland".

5. On 1 July, President Mwai Kibaki of Kenya announced the appointment of Mohammed Abdi Affey, a former Assistant Minister for Foreign Affairs, as Kenya's Ambassador to Somalia. Mr. Affey is assisting Bethuel Kiplagat, the Kenyan Special

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Envoy for Somalia and Chairman of the Conference. He will work from Nairobi until it is possible to move to Mogadishu.

6. On 5 July, after three weeks of intense negotiations, the Somali Leaders Committee at the Conference reached an accord that was expected to be part of the draft charter. It was agreed that a federal system of government, to be called the transitional federal government, would be formed in Somalia during a four-year transitional period. The process of federalism would develop gradually and be completed within the first two and a half years of transition. The Parliament would comprise 351 members, 12 per cent of whom would be women. The signatories to the Eldoret Declaration (S/2002/1359, annex) and political leaders at the Conference, in consultation with traditional leaders within their respective clan structures, would select the members of Parliament. In addition, the transitional federal government would immediately initiate a dialogue on national unity with "Somaliland". The 5 July agreement was put before the plenary and adopted by acclamation.

7. The President of the Transitional National Government, Abdikassim Salad Hassan, criticized the 5 July agreement, claiming that it would divide the country because it would implicitly recognize "Somaliland". He said that his Government would not be party to such a process. He also disowned the signatures of the Prime Minister of the Transitional National Government and Speaker of the Transitional National Assembly, whom he had designated as leaders of the delegation of the Transitional National Government to the Conference. He argued that they had acted contrary to the official position of his Government, which had been formally submitted to Mr. Kiplagat. He also contended that only traditional elders should select the members of Parliament, since it had been agreed that clans would be the basis for representation. He objected strongly that Arabic had been placed with English as one of the two second official languages, instead of being placed on the same level as Somali as one of the two first official languages of the country.

8. Other Somali leaders also denounced the 5 July agreement. Among them were Musse Sudi ("Yallahow") and Colonel Barre Aden Shire of the Juba Valley Alliance (JVA). They stated that the agreement had been signed in the absence of some important leaders, such as themselves, and therefore could not be binding. They subsequently declared that they had withdrawn from the Conference.

9. The 5 July agreement sharpened the differences between Mr. Hassan on the one hand and his Prime Minister and the Speaker of the Transitional National Assembly on the other. Mr. Hassan suspended his participation in the Conference and returned to Mogadishu on 30 July. A session of the Transitional National Assembly was convened in Mogadishu on 9 August, with 124 out of 245 members in attendance, and it voted for the removal of the Prime Minister and the Speaker.

10. Discussions on four different versions of the draft charter continued from 5 July until 15 September, and the IGAD Technical Committee, with the support of international observers, strived to address the concerns raised by some Somali leaders. The fourth version of the draft charter was circulated on 19 July by Mr. Kiplagat. It raised the status of the Arabic language and affirmed the sovereignty and territorial integrity of Somalia. A fifth version of the draft charter circulated on 1 August removed the call on the future transitional federal government to enter into immediate negotiations with "Somaliland".

11. The fifth version of the draft charter was debated in the plenary, article by article, by those who continued to attend the Conference until mid-August. Mr. Kiplagat commissioned a group of Somali lawyers, who were also members of the plenary, to rearrange the text of the draft charter, taking into account the issues debated in the plenary. A Kenyan constitutional expert chaired the work of the group and prepared the sixth and seventh versions of the draft charter. However, differences remained on both the content and the modalities for the implementation of federalism during the transitional period.

12. Members of the Technical Committee, Kenyan officials, my Representative and international observers made several efforts to persuade Mr. Hassan and other Somali leaders to return to Mbagathi. However, at a press conference on 9 September, Mr. Hassan, Mr. Sudi ("Yallahow"), Osman Hassan Ali ("Atto"), Mohamed Ibrahim Habsade of the Rahenwien Resistance Army (RRA) and Colonel Shire (JVA), who had been meeting in Mogadishu, expressed dissatisfaction with the proceedings at the Conference and stated that in order to restore "Somali ownership" of the process, the chairmanship of the Conference should be transferred to a Somali citizen. They were of the view that the drafting of the charter should be done anew by the Somalis themselves, possibly assisted by foreign experts, and that reconciliation among the Somali clans that had experienced a setback as a result of the Conference should be realized before any genuine peace process could take place.

13. In the meantime, it was reported that on 13 September Somali leaders at the Conference had reached an accord on how to address the issue of the component units of the Somali Republic in the draft charter, according to which the Somali Republic would comprise the transitional federal government, state governments, regional administrations and district administrations.

14. On 14 September, Mr. Hassan, Colonel Shire, Mr. Ali and representatives of Mr. Sudi and Mr. Habsade returned to Nairobi.

15. On the following day, Kenyan officials, including Mr. Kiplagat, met with Mr. Hassan and other leaders to invite them to a session of the plenary scheduled for that morning to discuss the draft charter. Upon the request of Mr. Hassan and other leaders, Kenyan officials announced that the plenary would be postponed for two to three days to allow the just returned leaders to study the draft charter. However, the Somali leaders who had reached the 13 September accord rejected any postponement of the plenary. The IGAD Technical Committee then presented a compromise in which the plenary would meet but adoption of the draft charter would wait until the group from Mogadishu was able to join. Rejecting the proposed compromise, those leaders adopted the draft charter on the same day under the chairmanship of Mr. Kiplagat, who announced that phase III of the Conference, to select members of Parliament, would begin the following day.

16. Mr. Hassan and those who had returned with him to Nairobi rejected the outcome. He declared that he and the other leaders had gone back to Nairobi in good faith, but had not been given an opportunity to express their views or even time to read the seventh version of the draft charter.

17. Meanwhile, international observers at the Conference, including my Representative, tried to find a middle ground between the 5 July agreement and the

decision taken at the Conference on 15 September, even as some 50 Somalis declared their candidacy for the presidency.

18. A high-level European Union delegation led by the Under-Secretary of State for Foreign Affairs of Italy, Senator Alfredo Mantica, held talks in Nairobi from 17 to 19 September on regional issues, including the Conference. The delegation met with the international observers at the Conference and reiterated support for the Kenya-led IGAD process. It also met with Mr. Hassan and urged him to remain in Nairobi in view of the efforts of Kenyan officials to address his concerns. The Kenyan Foreign Minister also met with Mr. Hassan and urged him to remain in Nairobi. However, Mr. Hassan and some other leaders insisted that they would resume participation in the Conference only if the reported adoption of the draft charter were declared null and void, Somali ownership of the Conference were assured and international observers were actively engaged in the reconciliation process. On 20 September, notwithstanding the fact that many of the concerns raised by Mr. Hassan and other leaders regarding the 5 July agreement had been addressed, he and the leaders who had accompanied him back to Nairobi departed for Mogadishu, insisting that the Conference had collapsed and that they were going to open another reconciliation process inside Somalia.

19. The issue of "Somaliland" remains contentious as well. The "Somaliland" authorities have continued their refusal to attend the Conference and issued a statement on 21 July declaring that any claims or declarations of sovereignty over "Somaliland" by a future Somali Government would be viewed by "Somaliland" as an indication of hostile intent. "Somaliland's" President, Dahir Riyale Kahin, issued a statement on 3 August in which he refused to receive Kenya's newly appointed Ambassador to Somalia for discussions on the participation of "Somaliland" in the Conference.

20. During its second assembly, which was held in Maputo from 10 to 12 July, the African Union endorsed the Somali national reconciliation process and undertook to deploy a military observer mission to Somalia to monitor the cessation of hostilities as provided for in the Eldoret Declaration once a comprehensive agreement is reached. Subsequently, an African Union/IGAD reconnaissance mission visited Baidoa, Beledweyne, Boosaaso, Gaalkacyo, Garoowe, Luuq and Mogadishu from 21 to 31 July. The mission's objective was to engage in a dialogue to establish mechanisms to support the deployment of some 75 African Union monitors.

21. While the mission was well received in Garoowe and Boosaaso, a segment of the Habr-Gedir clan in Gaalkacyo demonstrated against its visit. The mission was prevented from entering Beledweyne, and in Mogadishu a bomb was thrown into the lobby of the hotel in which its members were staying. They also received anonymous messages to the effect that they were not welcome. The mission concluded that, given the prevailing political and military conditions in Somalia, more work needed to be done before military observers could be deployed. It emphasized that the Somali leaders it had consulted were ready to disarm but that for this to happen the assistance of the international community was essential.

III. Activities of the United Nations

22. My Representative and the United Nations Political Office for Somalia remained actively engaged in efforts to support the Somali national reconciliation

process and undertook frequent consultations with the Somali leaders at the Conference, as well as those in Somalia. My Special Adviser for Africa, Mohamed Sahnoun, also visited the Conference and attended several plenary sessions to encourage the Somali delegates to reach an inclusive and comprehensive agreement.

23. Ghanim Alnajjar, the independent expert on the situation of human rights in Somalia, visited Hargeysa, Boosaaso and Kismaayo from 26 to 30 August. On his return to Nairobi, he reiterated his concern regarding the appalling conditions prevalent in camps for internally displaced persons, especially their poor access to basic services including water, health, adequate sanitation and schools. He drew special attention to the plight of members of minority clans who suffered discrimination and were afforded little protection from their own clans or local authorities. He underlined that local authorities were responsible for the protection of human rights of all citizens in their area of control. Mr. Alnajjar also expressed serious concern over the imprisonment of juveniles with adults in many parts of Somalia. He did, however, note the reduction in armed conflict in "Puntland". He attended a plenary session of the Conference and stressed the importance of taking human rights into consideration in the drafting and subsequent implementation of the charter.

24. In addition to joining other members of the international community in facilitating dialogue at the Conference, the United Nations country team is putting in place an international support system to assist in the establishment of the future Government and Parliament in Somalia, as one among other quick-impact interventions. The country team has also established a working group aimed at developing a comprehensive peace-building plan to be implemented in the country once a comprehensive agreement is reached at the Conference.

25. My Representative for Somalia and the resident and humanitarian coordinator invited representatives of regional and non-governmental organizations (NGOs) to commemorate the International Day of Peace, 21 September, in Somalia and in Nairobi. The activities were especially aimed at encouraging the youth of Somalia to reflect on a future peaceful society and creating public consciousness regarding the need to disarm the militias. In cooperation with United Nations staff, several private and public organizations commemorated the day in Beledweyne, Garoowe, Hargeysa, Jawhar, Kismaayo and Mogadishu, and as well as at the Conference in Mbagathi. Similar activities were organized at the Somali refugee camp in Daadab, Kenya. The contributions to the campaign by the football clubs of Barcelona and Real Madrid and the Barcelona city hall, as well as Somali business groups and NGOs and the University of Mogadishu, set a welcome precedent for future cooperation among such organizations in Somalia, the region and beyond.

26. In his mid-term briefing to the Security Council Committee established pursuant to resolution 751 (1992) on 13 August, the Chairman of the re-established Panel of Experts (see resolution 1474 (2003)) reported that the Panel had been focusing its work on recent violations of the arms embargo on Somalia by land, air and sea.

27. The third meeting of the Somalia Contact Group in New York was held on 15 September. My Representative for Somalia briefed members on the progress made and the challenges faced by the Somali leaders in reaching agreement on the draft charter.

IV. Developments inside Somalia

28. Mr. Hassan was reportedly given a rousing reception on his return to Mogadishu from Nairobi on 30 July. He declared that he did not intend to run for the presidency but that his Government would not step down when its mandate expired on 26 August, in view of a provision in the transitional national charter that referred to the 1960 Constitution of Somalia. According to his interpretation, it did not allow for a vacuum to exist in the structure of government. To avoid such a vacuum, he said, he would continue as president so long as the IGAD-led Somali national reconciliation process did not produce an all-inclusive and acceptable government for Somalia.

29. On 11 June, in "Somaliland", the Chairman of the Solidarity Party (Kulmiye), Ahmad Muhammed Silanyo, accepted Mr. Kahin of the Allied People's Democratic Party as "President" of "Somaliland", ending the controversy following the elections on the accuracy of the electoral figures (see S/2003/636, paras. 21-23).

30. During the third week of July, a "Somaliland" delegation led by Mr. Kahin visited Addis Ababa and met with Ethiopian authorities, including the President.

Security

31. On 5 July, the Government of Kenya lifted the ban on flights to and from Somalia that had been put in place on 21 June due to Kenyan concerns over possible terrorist-related activities.

32. Security in the southern parts of Somalia, including Mogadishu, remains precarious. Mounting criminality in Mogadishu includes frequent abductions, carjackings and civilian deaths. An Italian national was held hostage in Mogadishu from 17 to 28 June and then released. On 2 July, Dr. Hussein Muhammad Nur, a brother of RRA leader Colonel Hassan Mohamed Nur ("Shatigadud"), was murdered. On 6 July, hundreds of medical workers in Mogadishu held a one-day work stoppage in protest of the killing. Moreover, fighting between the militias of Omar Mahmud Mohamed ("Finish") and Mr. Sudi ("Yallahow") continued in the Medina district, causing several civilian deaths. Incidents of violence, including the rape of children and the dismemberment of a young woman in August, have shocked even the hardened citizens of the city. During August, some efforts were made to establish neighbourhood security patrols. In at least one case, neighbouring security organizations fought over their boundaries. It is too early, however, to judge the impact of the patrols.

33. Tensions between Mr. Sudi and Mohammed Dhere, two Hawiye/Abgaal leaders, led to fierce clashes around Jawhar in July, although calm had been restored by early September. Some 50 people were reported killed in July around South Mudug, when Habr Gedir and Dir militias clashed over control of water.

34. Inter-clan fighting around Baidoa also continued. The confrontation, which is in part a leadership dispute within RRA, has prevented access to the town for 14 months and has claimed numerous lives. The protagonists regularly use landmines. The ferocity of the conflict is illustrated by episodes such as the killing of a young woman by one side on 18 June, which was followed by a series of revenge killings in which at least four young women were reported killed.

35. In the Gedo and Lower Shabbelle regions there is hardly any established authority. As a result, armed groups are able to set up checkpoints to extort money from travellers. The lack of local authority has significantly reduced the frequency of visits by aid workers to places such as Belet Hawa, Luuq and Bardera. On 23 July, in Bardera, a gunman fired on a United Nations aircraft. The airstrip is closed to United Nations operations until adequate security arrangements are in place. On 14 September, a Kenyan national working for the Adventist Development Relief Agency was murdered in the El-Wak district in the Gedo region. The number of checkpoints on the Mogadishu-Kismaayo road increased significantly during August. Militias loyal to JVA in Kismaayo, local businessmen and the leader of the Islamic court from Qoryooley in Lower Shabbelle cleared some of them in late August.

36. Insecurity continues to affect humanitarian operations south of Gaalkacyo. Clan conflict, banditry and the weakness of most local administrations combine to make the management of security a significant challenge for humanitarian staff. Groups of armed men harass travellers and transporters without fear of retribution and make many areas almost inaccessible to United Nations staff.

37. On 21 July, in Garoowe, there was shooting near the residence of the "Vice-President". The incident appeared to be related to a power struggle over proposed changes in the "Puntland" cabinet.

38. A riot took place in Burco, "Somaliland", on 1 September. The incident occurred when the police tried to move a number of internally displaced persons from the secondary school to a new site in the town. The move had apparently been agreed to, and the reason for the clash is not yet clear. One internally displaced person was killed and a police officer was injured. The school, the only secondary school in the region, was badly damaged by fire during the incident.

Humanitarian situation

39. Violence and armed conflict in some areas of Somalia continued to jeopardize the ability of Somalis, already dismally deprived of access to sufficient food, safe drinking water, health and education services and employment, to build and sustain their livelihoods, exercise their human rights and live with dignity.

40. Armed conflict and criminality in Mogadishu also continue to restrict humanitarian access. Nonetheless, several non-governmental organizations (NGOs) and United Nations agencies continue minimal operations, primarily in the health and education sectors.

41. Insecurity, banditry and the use of landmines in and around Baidoa have continued to displace civilians, affect farming activities and restrict humanitarian access, allowing only minimal alleviation of a worsening humanitarian situation. Health centres, including the only public hospital in town as well as private clinics, have been functioning only intermittently since fighting broke out in June 2002. Food remains scarce, as poor rains and crop infestation have led to less than expected food production in most areas of the Bay region, including Baidoa. Meanwhile, wells have not been chlorinated, contributing to poor sanitation and exacerbating vulnerability to illnesses such as malaria, diarrhoea and tuberculosis. Although the parties to the conflict have, under pressure from community leaders

and local businessmen, sought to resolve their differences and made commitments to improve the environment for aid workers and beneficiaries, the results have yet to be translated into improvements on the ground.

42. Due to insecurity in the Gedo region, United Nations agencies and NGOs have continued to call upon local faction leaders to ensure the safety of civilians and aid workers. Although some leaders seem eager to make improvements in this regard, there has been no major change in the situation. In addition to generalized insecurity, the absence of some leaders owing to their participation in the Conference has also created an environment of impunity in which human rights violations are widespread.

43. "Puntland" authorities have formally agreed that humanitarian aid workers may access vulnerable communities in the Sool and Sanaag regions. The contested status of those regions, which "Somaliland" and "Puntland" both claim them as theirs, had for years made them inhospitable to aid interventions. In part because of this step forward, the resident and humanitarian coordinator was able to undertake an assessment of some parts of those areas in August, in particular the Sool Plateau, where pastoralists and their livestock may be facing a humanitarian crisis due to recurrent drought.

44. In "Somaliland", pasture land has regenerated following its depletion earlier this year after an unusually large influx of Ethiopian pastoralists. There are indications, however, that another influx may be imminent due to the deterioration of the conditions for livestock in the Shinnele area of Ethiopia. United Nations agencies and their partners continue to monitor the situation.

45. During the period under review, United Nations agencies and NGOs completed a pilot strategy for addressing both the protection and livelihood needs of vulnerable groups in Kismaayo. The ultimate aim is to replicate this approach throughout Somalia as a means of strengthening common integrated assessment and programme implementation.

46. The preliminary results of the annual main *gu* harvest assessment indicate that the final harvest for 2003 will be slightly higher than in 2002 and 28 per cent above the post-war average. However, in some areas, such as the Hiiraan and Middle Juba regions, production is expected to be well below average, while pastoralists in many parts of the country continue to struggle with chronic food deficits.

47. As a result of the combination of food insecurity and poor health conditions, Somalis continue to suffer from high malnutrition. The global malnutrition rate for children under five, as reported by the United Nations Children's Fund, is 17 per cent. Malnutrition rates in areas surveyed have varied from 8.3 per cent in Gaalkacyo, "Puntland", to 21.5 per cent in Belet Hawa, Gedo region.

48. In November, the country team and a number of NGOs will issue a consolidated inter-agency appeal for Somalia for 2004. At present, programmes in the 2003 appeal are 39 per cent funded.

V. Operational activities in support of peace

Protection and human rights

49. United Nations agencies are helping authorities in Somalia to improve the administration of justice by developing the rule of law, building their capacity to enforce the law and improving the application of human rights standards. Until recently, such programmes were being implemented in the relatively peaceful area in the north-west of the country, mainly in "Somaliland". United Nations agencies are planning to extend such programmes to less stable regions in the north-east, centre and south of Somalia.

50. Working closely with authorities in "Somaliland", United Nations agencies finalized a curriculum and identified trainees and trainers for a series of legal training programmes involving over 200 legal professionals and administrators. A three-month training session for 50 legal professionals began in August. Following extensive consultation with key stakeholders, facilitated by United Nations agencies, a draft statute to establish a human rights commission has been submitted to the Minister of Justice in "Somaliland". Support is also ongoing for the establishment of an office of the ombudsman, which will be important in protecting the rights of the most vulnerable, including women, children and displaced persons.

51. United Nations agencies have also assisted "Somaliland" authorities to establish a bar association with a governing structure and a set of ethical rules and regulations. A bill encapsulating the rules and regulations is currently being considered by the "Somaliland" Parliament. The United Nations is also providing technical advice to the newly established Law Reform Commission of "Somaliland" to develop a comprehensive work plan.

52. During the last four months, an "access to justice" initiative was launched to establish legal aid clinics at Hargeysa University, serviced by law students, legal professionals and members of the NGO community. The initiative also serves as a forum for providing legal advice, developing advocacy campaigns and policy analysis.

53. An assessment of the rehabilitation needs of court buildings, which began with the Supreme Court building in Hargeysa, has now been extended to other court and prison facilities and police stations in the region. Following the rehabilitation of the Mandera Police Academy with United Nations assistance, a six-month training programme began in June for over 200 trainees selected by the "Somaliland" authorities, including 30 female recruits. In addition, in-service training for the police in the areas of crowd control, armed conflict resolution, station management and human rights is being provided.

54. United Nations agencies are providing technical advice to the "Somaliland" Task Force on Small Arms Control in assessing the existing regulatory framework and drafting new laws that are consistent with international standards. They are also providing assistance for the renovation of five police station armouries and training on small arms control.

55. The current United Nations mine action programme focuses on building capacity of the "Somaliland" Mine Action Centre. The construction of a dedicated unexploded ordnance and ammunition bunker was completed in June, and during the

reporting period 6,000 items of unexploded ordnance have been cleared. Similar initiatives are planned in the north-east of Somalia.

Children's rights

56. The results of a recently completed child protection study, conducted throughout Somalia, are providing a sound baseline for planning and implementing programmatic and advocacy interventions on behalf of children. Priority issues to be addressed are the high prevalence of sexual violence, in particular among displaced children, children engaged in exploitative and hazardous labour, including those working and living on the streets, discrimination against children belonging to minority clans and the protection of children with disabilities and their access to opportunities.

57. In "Somaliland", 45 judicial officials, including judges, prosecutors, assessors, lawyers and notaries, received training on juvenile justice, child rights and child protection issues and were provided with a juvenile justice resource pack for reference and application. "Somaliland" police officers were also given briefings to ensure respect of child rights and their protection by law enforcement officials.

58. A juvenile justice and child protection framework for "Somaliland" has been adopted, together with the establishment of a strong partnership with local authorities as well as civil society stakeholders. Similarly, a workshop conducted in "Puntland" has provided stakeholders from all branches of local government and civil society with the opportunity to identify measures for the improvement of the child protection and juvenile justice system.

Protection of women's rights

59. Technically, Somalia follows three systems of laws: secular law, Shariah and customary law. Although these three systems coexist, there is a lack of harmonization in the way they address crimes and other legal issues. The ability of Somali women to claim and defend their rights is affected by their social status and the prevailing legal environment, which consists mainly of a combination of Shariah and customary law and is applied differently in each region.

60. During the reporting period, United Nations agencies and their partners completed assessments of the judiciary system and collated recommendations on possible ways to improve the justice situation in Somalia as it affects women. Projects are under way to develop training manuals, advocacy tools and legal training toolkits to be used in the training of law enforcement and judicial personnel on gender issues within the three systems of law.

61. Training is being provided to women's organizations for the formation of a women's national human rights advocacy network, the development of advocacy tools and training manuals in both English and Somali, the integration of gender and human rights issues into existing legal systems, and the inclusion of a bill of rights in the future federal and regional charters.

Repatriation of refugees

62. Since the beginning of 2003, 5,569 people have been voluntarily repatriated to "Somaliland" and "Puntland" from Djibouti, Ethiopia and Kenya. UNHCR and other agencies are working closely with the recently established Refugee Eligibility Committee in "Somaliland" in assuring protection, assistance and durable solutions for refugees residing in Hargeysa. In September, United Nations agencies sponsored a one-day round table in Addis Ababa on reintegration and internally displaced persons in Somaliland that was jointly hosted with the "Somaliland" authorities, donors and host asylum countries (Djibouti and Ethiopia).

Provision of basic services

63. The joint United Nations reintegration programme in north-west Somalia has provided new classrooms and furniture for 16 primary and secondary schools, benefiting 6,000 schoolchildren. The labour-intensive rehabilitation of the road from Zeila to Tokoshi and the Salahley road in Somaliland has greatly benefited the people in the area. Some 20 dams and shallow wells have also been rehabilitated, providing access to clean water for some 10,000 people, mainly in the rural areas. The reconstruction and rehabilitation of seven primary schools for more than 3,000 schoolchildren, as well as the rehabilitation of Jariban Hospital and Gaarad Clinic, which provide health services to 20,000 people, are close to completion. Since the completion of a water system project in Gaalkacyo, 60,000 people now have access to water in this area of "Puntland". The water system, with a pipeline network of more than 21 kilometres and water pumped from new bore wells distributed through a 750,000-litre elevated water storage tank, will be managed by the Gaalkacyo Water Company.

Livelihoods

64. In addition to the low-income countries under stress initiative, the World Bank and the European Commission are funding the development of a Somali livestock sector strategy. United Nations consultants have completed their analyses of the sector and potential problems, and an initial strategy has been outlined for further discussion and development in the coming months.

65. Since the April meeting between representatives from the Somali business community, the Transitional National Government, officials from "Puntland" and "Somaliland" and Middle Eastern importing countries (S/2003/636, para. 49), discussions have been taking place with the relevant authorities to establish a Somali livestock board in Mogadishu, Garoowe and Hargeysa. The Transitional National Government and "Puntland" authorities fully endorsed the formation of such a board and are preparing the necessary legislation, while the "Somaliland" authorities have chosen to proceed with a separate board.

66. United Nations agencies continue to make concerted efforts to improve the standards, procedures and international acceptance of the Somali remittance industry. During the reporting period, a two-day workshop was held in Dubai for remittance companies and the Somali business community on the possible expansion of financial services in Somalia, and the first part of a feasibility study has been

completed on the subject. Planning is currently under way for a workshop in London, which will be aimed at improving compliance with host-country rules and international financial regulations.

HIV/AIDS prevention

67. During the period under review, the strategic framework for the prevention and control of HIV/AIDS and sexually transmitted infections within Somali populations was finalized. The framework provides a comprehensive foundation on which to build interventions throughout the country.

68. With the current low prevalence rates, one of the priorities for HIV prevention and control is to build the capacity of communities to develop an integrated and effective response to HIV/AIDS. Peer counselling has been identified as one of the important strategies in that regard. Two counsellors participated in a youth peer counsellors' workshop in Lusaka from 14 to 24 July, and a similar workshop is planned in Somalia in December. Training workshops combining advocacy, mobilization and counselling skills targeting religious leaders and community activists are also planned for the fourth quarter of 2003 with the aim of supporting a cadre of individuals to mobilize communities and act as resource and support persons.

VI. Observations

69. The Somali national reconciliation process under the auspices of IGAD has devoted almost a year of sustained effort to trying to arrive at a durable and inclusive solution to the conflict in Somalia. The Kenyan Government is to be commended for providing the venue and acting as the lead mediator for the Somali National Reconciliation Conference in Mbagathi, as well as for the timely interventions undertaken by senior government officials to keep the reconciliation process on track. The international community, represented by special envoys and diplomatic missions, has joined efforts with my Representative and those of regional organizations to support efforts to reach an inclusive agreement in Mgabathi. I would like once again to commend the generous financial contributions of the European Union to the Conference.

70. Notwithstanding the progress made at the Mgabathi Conference in approving the reports of the five reconciliation committees (see para. 3 above), further advances have been slow owing to differences on the issue of federalism and on the relationship of the future transitional government with existing regional and local authorities, in particular "Somaliland". The situation has been complicated by the expiration on 26 August 2003 of the mandate of the Transitional National Government deriving from the agreement reached in August 2000 at the Somali National Peace Conference held at Arta, Djibouti.

71. Somali leaders face the historical challenge of bridging their differences in order to reach agreement on a viable government. I urge them to continue their dialogue to ensure an inclusive solution that they can all support and implement in good faith. I do so in the full understanding that considerable political courage will

be required of the Somali political leaders and elders if there is to be such an outcome.

72. At this critical juncture in the reconciliation process, the sustained commitment of the IGAD frontline States, in particular, remains vital for the success of the Conference. An indication of such a commitment from the region would send an unequivocal message to the Somali leaders regarding their own responsibility, as well as to the international community at large. Key Member States, from the region as well as outside it, should monitor and support the efforts of Somali leaders and the IGAD Technical Committee in helping to ensure that the Mbagathi Conference culminates in an inclusive and comprehensive agreement. In this context, I welcome the African Union's commitment (see paras. 20-21 above) as a serious contribution to peace and reconciliation in Somalia.

73. Conflict and violence within Somalia, including brutality against civilians, continue to be a source of suffering for the population and a hindrance to humanitarian activities. I urge all Somali leaders to do their utmost to restrain their militias and supporters to ensure the safety and well-being of their fellow Somalis. At the same time, I would like to welcome the efforts of those authorities who have sought to foster security in their region and have taken steps to engage with the humanitarian community in order to create conditions conducive to the protection and security of civilians as well as safe and unimpeded access for humanitarian workers to all parts of the country.

74. The international community is becoming increasingly impatient with the continued conflict and violence in Somalia. As is clear from the present report, the activities of United Nations agencies and their partners have been curtailed due to the insecurity prevailing in many parts of the country. Organizations and individuals devoted to humanitarian and development work in Somalia are calling upon the international community to hold the Somali leaders accountable for the welfare of their people and for the legitimacy of the leaders to be judged accordingly. In this context, I welcome the decision of the Security Council committee established pursuant to resolution 751 (1992) to visit the region in the coming weeks to strengthen the arms embargo.

75. The United Nations Political Office for Somalia and the United Nations country team are, as indicated above, actively developing a peace-building plan to be implemented in Somalia once a definitive agreement is reached at the Conference. It is my hope that such an agreement, together with the amelioration of the security situation, will soon create conditions conducive to fully utilizing the contributions made to the United Nations Trust Fund for Peace-building in Somalia. I would like to take this opportunity to call upon donors to contribute generously to the consolidated inter-agency appeal for Somalia and to do so without delay so as to allow the effective implementation of a full, coherent and balanced humanitarian and peace-building programme.

76. As members of the Security Council are aware, since its establishment in April 1995 the United Nations Political Office for Somalia has been assisting in my efforts to advance the cause of peace and reconciliation in Somalia through its contacts with Somali leaders, civic organizations and the States and organizations concerned. Since 2002, my Representative and the staff of the Political Office have been actively engaged in efforts to support the Conference. Pending an agreement at the Conference and improvement of the security situation that would allow me to submit

a proposal on the establishment of a peace-building office in Somalia and adjustments that may be needed to the mandate of the Political Office, it is my intention to continue the activities of the Office for the biennium 2004-2005 at the current resource level.

77. Finally, I wish to thank my Representative, Winston Tubman, the staff of the United Nations Political Office for Somalia, the country team and many non-governmental organizations for their efforts in support of national reconciliation and peace in Somalia, as well as for their dedication in responding to the humanitarian and reconstruction needs of the country.

United Nations S/2003/988

Security Council

Distr.: General
13 October 2003

Original: English

Letter dated 13 October 2003 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council to be held on 14 October 2003 regarding the situation in the Occupied Palestinian Territory, including East Jerusalem.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

03-55466 (E) 131003

United Nations S/2003/989

Security Council

Distr.: General
13 October 2003

Original: English

Letter dated 13 October 2003 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

In my capacity as Chairman of the Organization of the Islamic Conference (OIC) Group at the United Nations, I have the honour to request that the Security Council extend an invitation to Mr. Ahmad Hajihosseini, deputy permanent observer of OIC to the United Nations, Chargé d'affaires, a.i., to address the Council under rule 39 of its provisional rules of procedure in the course of the Council's consideration of the agenda item "The situation in the Middle East, including the Palestinian question".

(*Signed*) M. Javad **Zarif**
Ambassador
Permanent Representative

03-55537 (E) 131003

United Nations A/ES-10/241–S/2003/990

General Assembly
Security Council

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-eighth year

Identical letters dated 13 October 2003 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel, the occupying Power, continues to commit war crimes, State terrorism and systematic human rights violations against the Palestinian people as it continues to carry out its vicious military campaign throughout the Occupied Palestinian Territory, including East Jerusalem. Indeed, over the weekend, the Israeli occupying forces continued carrying out the raid launched in the early morning hours of Friday, 10 October, in the densely populated Rafah refugee camp in the Occupied Gaza Strip. In addition to the seven Palestinians killed by the occupying forces in Rafah on Friday and the dozens of Palestinians wounded, another Palestinian was killed on Saturday. Also in Rafah, the occupying forces committed the largest-scale home demolition in the Occupied Palestinian Territory since the onset of this brutal military campaign three years ago on 28 September 2000.

In this regard, it is being reported that at least 120 homes in the Rafah refugee camp were completely destroyed by the Israeli occupying forces. In addition, at least 70 other homes sustained damage as a result of the raid. Several of the homes demolished were blown up by the occupying forces, while others were razed by bulldozers, and many of the inhabitants were lethally threatened by the occupying forces when they refused to leave their homes and belongings. The destruction of these homes, which housed hundreds of families, has left more than 1,200 Palestinians homeless. These Palestine refugees, the first generation of which has been living in the camp for more than a half century now, have once again been dispossessed and made homeless by Israel. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which oversees the camp and has since 1949 provided essential services for the refugee population, is now working to set up temporary shelters for the homeless. This vast destruction of Palestinian homes by the Israeli occupying forces only further expands the daily and ever-growing list of Israeli crimes and atrocities perpetrated against the Palestinian people.

03-55633 (E) 141003

This letter is in follow-up to our previous 174 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 10 October 2003 (A/ES-10/239-S/2003/985), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations A/58/433–S/2003/991

General Assembly
Security Council

Distr.: General
13 October 2003

Original: English

General Assembly
Fifty-eighth session
Agenda item 30
Question of Cyprus

Security Council
Fifty-eighth year

Letter dated 10 October 2003 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to the letter dated 20 August 2003, I have the honour to draw your attention to new violations of the flight information region (FIR) of Nicosia and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force recorded on 25, 27 and 28 August; on 4, 18 and 23 September; and on 6 and 7 October 2003, as follows:

On 25 August 2003, one (1) Turkish military aircraft of unknown type took off from the illegal airport of Lefkoniko in the occupied part of Cyprus, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before exiting towards the FIR of Ankara.

On the same day, one (1) CN-235 Turkish military aircraft, coming from the FIR of Ankara, entered the Nicosia FIR, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Lefkoniko. The aircraft later took off, departing towards the FIR of Ankara.

On 27 August 2003, six (6) F-16 Turkish military aircraft, coming from the FIR of Ankara in one formation, entered the Nicosia FIR, violating international air traffic regulations, before exiting in a westerly direction.

On 28 August 2003, one (1) AB-205 Turkish military aircraft, coming from the FIR of Ankara, entered the Nicosia FIR, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Lefkoniko and later at the illegal airport of Krini.

On 4 September 2003, one (1) CN-235 Turkish military aircraft entered the Nicosia FIR, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Lefkoniko. The aircraft departed the following day.

03-55640 (E) 151003

On 18 September 2003, four (4) Turkish military aircraft of unknown type, coming from a westerly direction, entered the FIR of Nicosia in one formation, violating international air traffic regulations, before exiting towards the FIR of Ankara.

On 23 September 2003, two (2) F-16 Turkish military aircraft, coming from the FIR of Ankara in one formation, entered the Nicosia FIR, violating international air traffic regulations, before exiting towards a reverse direction.

On the same day, one (1) Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before exiting towards the FIR of Ankara.

On the same day 2003, one (1) Turkish military aircraft entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Lefkoniko.

On 6 October 2003, four (4) F-16 Turkish military aircraft, in one formation, coming from a westerly direction, entered the Nicosia FIR, violating international air traffic regulations and the national airspace of the Republic of Cyprus, before exiting towards the FIR of Ankara.

On 7 October 2003, one (1) COUGAR Turkish military aircraft took off from the illegal airport of Lefkoniko, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the area of Mesaoria, before exiting towards the FIR of Ankara.

On behalf of the Government of the Republic of Cyprus, I strongly protest all the above-mentioned violations of the Nicosia FIR and the national airspace of the Republic of Cyprus, which are contrary to international law as well as to Security Council resolutions on Cyprus. We sincerely hope that the Government of Turkey, taking into consideration its international obligations, will refrain from further violations, respect the sovereignty of the Republic of Cyprus and contribute substantively to the efforts for a just and functional solution to the Cyprus problem, on the basis of United Nations resolutions.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

United Nations S/2003/992

Security Council

Distr.: General
15 October 2003

Original: English

Cameroon, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reaffirming its previous resolutions on Iraq, including resolution 1483 (2003) of 22 May 2003 and 1500 (2003) of 14 August 2003, and on threats to peace and security caused by terrorist acts, including resolution 1373 (2001) of 28 September 2001, and other relevant resolutions,

Underscoring that the sovereignty of Iraq resides in the State of Iraq, *reaffirming* the right of the Iraqi people freely to determine their own political future and control their own natural resources, *reiterating* its resolve that the day when Iraqis govern themselves must come quickly, and *recognizing* the importance of international support, particularly that of countries in the region, Iraq's neighbours, and regional organizations, in taking forward this process expeditiously,

Recognizing that international support for restoration of conditions of stability and security is essential to the well-being of the people of Iraq as well as to the ability of all concerned to carry out their work on behalf of the people of Iraq, and *welcoming* Member State contributions in this regard under resolution 1483 (2003),

Welcoming the decision of the Governing Council of Iraq to form a preparatory constitutional committee to prepare for a constitutional conference that will draft a constitution to embody the aspirations of the Iraqi people, and *urging* it to complete this process quickly,

Affirming that the terrorist bombings of the Embassy of Jordan on 7 August 2003, of the United Nations headquarters in Baghdad on 19 August 2003, of the Imam Ali Mosque in Najaf on 29 August 2003, and of the Embassy of Turkey on 14 October 2003, and the murder of a Spanish diplomat on 9 October 2003 are attacks on the people of Iraq, the United Nations, and the international community, and *deploring* the assassination of Dr. Akila al-Hashimi, who died on 25 September 2003, as an attack directed against the future of Iraq,

In that context, *recalling* and *reaffirming* the statement of its President of 20 August 2003 (S/PRST/2003/13) and resolution 1502 (2003) of 26 August 2003,

Determining that the situation in Iraq, although improved, continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

03-56377 (E) 161003

1. *Reaffirms* the sovereignty and territorial integrity of Iraq, and *underscores*, in that context, the temporary nature of the exercise by the Coalition Provisional Authority (Authority) of the specific responsibilities, authorities, and obligations under applicable international law recognized and set forth in resolution 1483 (2003), which will cease when an internationally recognized, representative government established by the people of Iraq is sworn in and assumes the responsibilities of the Authority, inter alia through steps envisaged in paragraphs 4 through 7 and 10 below;

2. *Welcomes* the positive response of the international community, in fora such as the Arab League, the Organization of the Islamic Conference, the United Nations General Assembly, and the United Nations Educational, Scientific and Cultural Organization, to the establishment of the broadly representative Governing Council as an important step towards an internationally recognized, representative government;

3. *Supports* the Governing Council's efforts to mobilize the people of Iraq, including by the appointment of a cabinet of ministers and a preparatory constitutional committee to lead a process in which the Iraqi people will progressively take control of their own affairs;

4. *Determines* that the Governing Council and its ministers are the principal bodies of the Iraqi interim administration, which, without prejudice to its further evolution, embodies the sovereignty of the State of Iraq during the transitional period until an internationally recognized, representative government is established and assumes the responsibilities of the Authority;

5. *Affirms* that the administration of Iraq will be progressively undertaken by the evolving structures of the Iraqi interim administration;

6. *Calls upon* the Authority, in this context, to return governing responsibilities and authorities to the people of Iraq as soon as practicable and *requests* the Authority, in cooperation as appropriate with the Governing Council and the Secretary-General, to report to the Council on the progress being made;

7. *Invites* the Governing Council to provide to the Security Council, for its review, no later than 15 December 2003, in cooperation with the Authority and, as circumstances permit, the Special Representative of the Secretary-General, a timetable and a programme for the drafting of a new constitution for Iraq and for the holding of democratic elections under that constitution;

8. *Resolves* that the United Nations, acting through the Secretary-General, his Special Representative, and the United Nations Assistance Mission in Iraq, should strengthen its vital role in Iraq, including by providing humanitarian relief, promoting the economic reconstruction of and conditions for sustainable development in Iraq, and advancing efforts to restore and establish national and local institutions for representative government;

9. *Requests* that, as circumstances permit, the Secretary-General pursue the course of action outlined in paragraphs 98 and 99 of the report of the Secretary-General of 17 July 2003 (S/2003/715);

10. *Takes note* of the intention of the Governing Council to hold a constitutional conference and, recognizing that the convening of the conference will be a milestone in the movement to the full exercise of sovereignty, *calls for* its

preparation through national dialogue and consensus-building as soon as practicable and *requests* the Special Representative of the Secretary-General, at the time of the convening of the conference or, as circumstances permit, to lend the unique expertise of the United Nations to the Iraqi people in this process of political transition, including the establishment of electoral processes;

11. *Requests* the Secretary-General to ensure that the resources of the United Nations and associated organizations are available, if requested by the Iraqi Governing Council and, as circumstances permit, to assist in furtherance of the programme provided by the Governing Council in paragraph 7 above, and encourages other organizations with expertise in this area to support the Iraqi Governing Council, if requested;

12. *Requests* the Secretary-General to report to the Security Council on his responsibilities under this resolution and the development and implementation of a timetable and programme under paragraph 7 above;

13. *Determines* that the provision of security and stability is essential to the successful completion of the political process as outlined in paragraph 7 above and to the ability of the United Nations to contribute effectively to that process and the implementation of resolution 1483 (2003), and *authorizes* a multinational force under unified command to take all necessary measures to contribute to the maintenance of security and stability in Iraq, including for the purpose of ensuring necessary conditions for the implementation of the timetable and programme as well as to contribute to the security of the United Nations Assistance Mission for Iraq, the Governing Council of Iraq and other institutions of the Iraqi interim administration, and key humanitarian and economic infrastructure;

14. *Urges* Member States to contribute assistance under this United Nations mandate, including military forces, to the multinational force referred to in paragraph 13 above;

15. *Decides* that the Council shall review the requirements and mission of the multinational force referred to in paragraph 13 above not later than one year from the date of this resolution, and that in any case the mandate of the force shall expire upon the completion of the political process as described in paragraphs 4 through 7 and 10 above, and *expresses* readiness to consider on that occasion any future need for the continuation of the multinational force, taking into account the views of an internationally recognized, representative government of Iraq;

16. *Emphasizes* the importance of establishing effective Iraqi police and security forces in maintaining law, order, and security and combating terrorism consistent with paragraph 4 of resolution 1483 (2003), and *calls upon* Member States and international and regional organizations to contribute to the training and equipping of Iraqi police and security forces;

17. *Expresses* deep sympathy and condolences for the personal losses suffered by the Iraqi people and by the United Nations and the families of those United Nations personnel and other innocent victims who were killed or injured in these tragic attacks;

18. *Unequivocally condemns* the terrorist bombings of the Embassy of Jordan on 7 August 2003, of the United Nations headquarters in Baghdad on 19 August 2003, and of the Imam Ali Mosque in Najaf on 29 August 2003, and of the Embassy

of Turkey on 14 October 2003, the murder of a Spanish diplomat on 9 October 2003, and the assassination of Dr. Akila al-Hashimi, who died on 25 September 2003, and *emphasizes* that those responsible must be brought to justice;

19. *Calls upon* Member States to prevent the transit of terrorists to Iraq, arms for terrorists, and financing that would support terrorists, and *emphasizes* the importance of strengthening the cooperation of the countries of the region, particularly neighbours of Iraq, in this regard;

20. *Appeals* to Member States and the international financial institutions to strengthen their efforts to assist the people of Iraq in the reconstruction and development of their economy, and *urges* those institutions to take immediate steps to provide their full range of loans and other financial assistance to Iraq, working with the Governing Council and appropriate Iraqi ministries;

21. *Urges* Member States and international and regional organizations to support the Iraq reconstruction effort initiated at the 24 June 2003 United Nations Technical Consultations, including through substantial pledges at the 23-24 October 2003 International Donors Conference in Madrid;

22. *Calls upon* Member States and concerned organizations to help meet the needs of the Iraqi people by providing resources necessary for the rehabilitation and reconstruction of Iraq's economic infrastructure;

23. *Emphasizes* that the International Advisory and Monitoring Board (IAMB) referred to in paragraph 12 of resolution 1483 (2003) should be established as a priority, and *reiterates* that the Development Fund for Iraq shall be used in a transparent manner as set out in paragraph 14 of resolution 1483 (2003);

24. *Reminds* all Member States of their obligations under paragraphs 19 and 23 of resolution 1483 (2003) in particular the obligation to immediately cause the transfer of funds, other financial assets and economic resources to the Development Fund for Iraq for the benefit of the Iraqi people;

25. *Requests* that the United States, on behalf of the multinational force as outlined in paragraph 13 above, report to the Security Council on the efforts and progress of this force as appropriate and not less than every six months;

26. *Decides* to remain seized of the matter.

United Nations S/2003/993

Security Council

Distr.: General
14 October 2003

Original: English

Letter dated 13 October 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 10 October 2003, which I received from the Director General of the International Atomic Energy Agency (see annex).

I should be grateful if the present letter and its annex could be brought to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

03-55671 (E) 151003

Annex

Letter dated 10 October 2003 from the Director General of the International Atomic Energy Agency to the President of the Security Council

In accordance with paragraph 16 of resolution 1051 (1996), the Director General of the International Atomic Energy Agency (IAEA) is requested to submit consolidated progress reports every six months to the Security Council, commencing 11 April 1996,[a] on the Agency's verification activities in Iraq pursuant to paragraphs 12 and 13 of resolution 687 (1991) and other related resolutions.

Since 17 March 2003, the Agency has not been in a position to implement its mandate in Iraq under United Nations Security Council resolution 687 (1991) and related resolutions.

Following extensive media reports of looting of nuclear and radioactive material at the Tuwaitha complex in Iraq, the Director General requested, and the Coalition Provisional Authority agreed, that IAEA would conduct an inspection, in accordance with the IAEA safeguards agreement with Iraq, in order to verify the nuclear material subject to safeguards stored at the Location C Nuclear Material Storage Facility near the Tuwaitha complex south of Baghdad. The inspection mission was conducted from 7 to 23 June 2003 and its outcome was reported in document S/2003/711.

During the period covered by the present report, IAEA has continued to focus its activities on analysing the wealth of additional information collected during inspections; consolidating its overall information assets and collecting and analysing a variety of new information, including satellite imagery, to update its knowledge of the relevant facilities in Iraq; refining its plan for resumed verification activities, taking into account the many uncertainties of the present situation in Iraq; and evaluating lessons learned through its past experience in Iraq. IAEA has also been able, with the support of Member States, to continue with some of its investigations outside of Iraq, following up inspections and subsequent analysis. Those post-inspections activities have revealed no evidence of the revival of a nuclear weapons programme in Iraq.

[a] The previous consolidated reports of the Director General of the International Atomic Energy Agency were circulated as documents: S/1996/261 of 11 April 1996; S/1996/833 of 7 October 1996; S/1997/297 of 11 April 1997; S/1997/779 of 8 October 1997; S/1998/312 of 9 April 1998; S/1998/927 of 7 October 1998; S/1999/393 of 7 April 1999; S/1999/1035 of 7 October 1999; S/2000/300 of 11 April 2000; S/2000/983 of 11 October 2000; S/2001/337 of 6 April 2001; S/2001/945 of 5 October 2001; S/2002/367 of 16 April 2002; S/2002/1150 of 16 October 2002 and S/2003/422 of 14 April 2003. Document S/1998/694, dated 27 July 1998, contained the text of an interim status report provided in response to the Security Council presidential statement dated 14 May 1998 (S/PRST/1998/11). Document S/1999/127, dated 9 February 1999, contained the text of an interim status report provided in response to the note by the President of the Security Council dated 30 January 1999 (S/1999/100). Following the resumption of IAEA's Security Council-mandated activities in Iraq in November 2002, the Council requested several updates. IAEA provided those updates in the form of a report (update report for the Security Council pursuant to resolution 1441 (S/2003/95), dated 27 January 2003) and oral statements to the Security Council by the Director General (on 19 December 2002, 9 January 2003, 27 January 2003, 14 February 2003 and 7 March 2003). Finally, the work programme of the International Atomic Energy Agency in Iraq pursuant to Security Council resolution 1284 (1999) was provided to the Security Council on 20 March 2003 (S/2003/342).

As a consequence of the current situation, the IAEA office responsible for the implementation of IAEA's resolution-related mandate (the Iraq Nuclear Verification Office) has started to modify its staffing, particularly in terms of personnel assignment and numbers. IAEA, however, remains ready, subject to Security Council guidance, to resume its resolution-related verification activities with a view to completing its assessment of Iraq's nuclear activities during the period 1998-2002. In the meantime, Member States are expected, under paragraph 10 of resolution 1441 (2002) and other relevant Security Council resolutions, to provide any information related to prohibited programmes or other aspects of the IAEA mandate, including on Iraqi attempts since 1998 to acquire prohibited items, to enable the Agency to fulfil its responsibilities under those resolutions and under the Treaty on the Non-Proliferation of Nuclear Weapons. The Agency therefore expects that any findings with regard to nuclear activities made by the Iraq Survey Group will be shared with the Agency. IAEA continues to carry out its work in connection with the notifications expected to be provided to it by States pursuant to Security Council resolutions which require them to notify IAEA of relevant exports to Iraq, taking into account the export-import mechanism approved by the Council in its resolution 1051 (1996).

I should be grateful if you would arrange for the present letter to be distributed as a document of the Security Council.

(*Signed*) Mohamed **ElBaradei**

United Nations S/2003/994

Security Council

Distr.: General
14 October 2003

Original: English

Letter dated 14 October 2003 from the Permanent Representative of China to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith the text of the Chair's summary of the Asia-Europe Meeting Seminar on Anti-Terrorism. The Seminar was held at Beijing on 22 and 23 September 2003.

I would be most grateful if you could arrange to have the text of the present letter and its annex circulated as a document of the Security Council.

(*Signed*) **Wang** Guangya
Ambassador and Permanent Representative of
the People's Republic of China

03-55728 (E) 161003

Annex to the letter dated 14 October 2003 from the Permanent Representative of China to the United Nations addressed to the President of the Security Council

[Original: Chinese and English]

Chair's summary of the Asia-Europe Meeting (ASEM) Seminar on Anti-Terrorism (Beijing, 22 and 23 September 2003)

1. The ASEM Seminar on Anti-Terrorism was held in Beijing, China, on 22 and 23 September 2003. The Seminar, co-sponsored by China, Denmark, Germany, Japan and Spain, was endorsed at the fourth ASEM summit in Copenhagen in September 2002. It was attended by representatives from ASEM partners. The Seminar opened with a welcoming address by H.E. Mr. Shen Guofang, Chinese Assistant Minister of Foreign Affairs, and was chaired by Heads of Delegations of the five Co-sponsors.

2. The Seminar held comprehensive, in-depth and fruitful discussions on three topics: assessment of the situation of anti-terrorism in Asia and Europe as well as in the rest of the world, exchange of experiences and practices of anti-terrorism, and consideration of concrete measures to strengthen ASEM anti-terrorism cooperation.

3. The Seminar deemed terrorism a global threat. Despite an increasingly strengthened international campaign against it, terrorism in the international scene remained a source of serious concern and a profound threat to stability, peace and security in Asia, Europe and beyond.

4. The Seminar recognized that terrorism, including its links with transnational organized crimes such as money-laundering, trafficking in persons, illicit arms trafficking and the production and trafficking in illicit drugs, posed serious threats to the peace and security of both regions and beyond. The Seminar condemned all acts of terrorism as criminal and unjustifiable, irrespective of their motivation, forms and manifestations. The Seminar called for a concerted effort of the international community to combat terrorism, including the related crimes mentioned, and for the full implementation of Security Council resolution 1373 (2001).

5. The Seminar affirmed that the fight against terrorism must be carried out in accordance with the purposes and principles of the Charter of the United Nations and general norms of international law including human rights and humanitarian law. The Seminar further underlined that the fight against terrorism requires a comprehensive approach by the international community comprising political, economic, diplomatic, military and legal means in accordance with our respective domestic laws, duly taking into account root causes of terrorism without acknowledging these as justifications for terrorist and/or criminal activities. The fight against terrorism should involve active participation and collaboration of all States, international and regional organizations as well as of civil society. In this regard, the Seminar firmly supported the central role of the United Nations in the international campaign against terrorism. The Seminar urged the speedy conclusion of the negotiations on a United Nations comprehensive convention on international terrorism as an important instrument in the combat against terrorism.

6. The Seminar emphasized that the international community should continue promoting the dialogue among civilizations so as to broaden their understanding.

The Seminar opposed any attempt to associate terrorism with any religion, race, culture or nationality and held that regional conflicts and social and economic factors, providing a fertile ground for hatred and terrorism, should be tackled in an appropriate way.

7. The Seminar was informed of the ASEM symposium on combating underground banking and the need of supervising alternative remittance services in European and Asian countries, organized jointly by Germany and Malaysia on 30 and 31 October 2003 in Berlin, Germany. The Seminar also welcomed the establishment of the South-East Asia Regional Centre for Counter Terrorism in Kuala Lumpur, Malaysia.

8. The Seminar took note of the concerns of countries having a responsibility to issue travel advice for the safety of their travelling nationals and equally the concerns of those countries affected by the potential adverse effects on their economies. The Seminar also took note of the suggestions of ASEAN partners that travel advice be communicated in advance to affected countries when possible.

9. The Seminar held that ASEM should play an active role in the fight against terrorism. Guided by the Declaration on Cooperation against International Terrorism endorsed at the Fourth ASEM Summit and its Program, the Seminar suggested that the following concrete steps be taken:

(a) Enhancing information exchanges, in particular, on terrorists and terrorist organizations, their movement and funding, and any other information needed;

(b) Strengthening capacity-building efforts through training and education, seminars, conferences to support ASEM partners in their efforts to implement Security Council resolution 1373 (2001) and relevant international conventions and protocols on anti-terrorism. Cooperation at regional level should focus on areas where common needs exist and where there is an added value. In this respect, the ASEM anti-money-laundering project should continue and be supported;

(c) Links between legislative and law enforcement agencies should be strengthened to promote practical cooperations on anti-terrorism legislation and law enforcement. Such cooperation should be promoted at both bilateral and regional levels;

(d) Exploring practical initiatives to support the United Nations in its central role in the fight against terrorism. The existing ASEM coordination among permanent representatives at the United Nations should in particular focus on the development of such initiatives;

(e) Establishing a network of ASEM contact points on anti-terrorism to facilitate the implementation of above-mentioned proposals and prepare for future possible ASEM meetings at director-general level on anti-terrorism;

(f) Considering study visits among ASEM partners to achieve a better understanding of each other's operating environment and a better networking.

10. The Seminar agreed that the results of this Seminar would be presented at the Sixth ASEM Foreign Ministers' Meeting in April 2004, Dublin.

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Security Council

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14 October 2003

Original: English

Letter dated 14 October 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On 15 July 2003, the Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001) (the Counter-Terrorism Committee) submitted a work programme for the eighth 90-day period (S/2003/710). Annexed hereto is the Committee's work programme for the ninth 90-day period which covers the months from October to December 2003 (see annex).

The Committee will continue to work with States on verifying the implementation of resolution 1373 (2001), operating on the principles of cooperation, transparency and equal treatment. The Committee's main objectives will continue to be maintaining and strengthening the consensus within the international community of the importance of combating terrorism, with particular emphasis on establishing practical measures designed to increase the means available to States to combat terrorism; helping to identify the problems faced by States in implementing resolution 1373 and attempting to find solutions to them; and contributing to the process of increasing the number of States that are parties to the international conventions and protocols relating to counter-terrorism. All of these tasks contribute to the Committee's mandate, as set out by paragraph 6 of the resolution, to monitor its implementation.

In order to attain those general objectives, the Committee will continue its work in the areas of technical assistance and cooperation with international organizations in accordance with the decisions adopted within the Committee.

The Committee welcomes the support it has received from Member States, the United Nations Secretariat and international, regional and subregional organizations, and pays tribute to the contribution of its team of experts.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant
to resolution 1373 (2001) concerning counter-terrorism

03-55757 (E) 141003

Annex to the letter dated 14 October 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

Work programme of the Counter-Terrorism Committee (1 October-31 December 2003)

1. The present document sets out the work programme of the Counter-Terrorism Committee for its ninth 90-day period, from 1 October to 31 December 2003. This work programme updates that submitted for the eighth 90-day period (S/2003/710).

Summary

2. The Committee will:

(a) By 31 October:

(i) Continue to circulate the matrix on a monthly basis, with a view to identifying assistance needs and offers;

(ii) Prepare a follow-up programme for activities to take place in the field of cooperation with international organizations following the results of the meeting on 7 October in Washington, D.C., convened by the Inter-American Committee against Terrorism of the Organization of American States;

(iii) Continue to update the Counter-Terrorism Committee web site;

(iv) The Chairman will write to the Security Council with a list of States late in submitting their reports;

(v) Complete the review of 30 further reports;

(b) By 30 November:

(i) Complete the review of 25 further reports;

(ii) The Chairman, by 15 November, will submit a report on the problems encountered by States and the Committee itself in the implementation of resolution 1373 (2001);

(c) By 31 December:

Complete the review of 15 further reports.

1. Implementation of resolution 1373 (2001)

3. The Committee and its subcommittees will continue to review the reports submitted by States pursuant to paragraph 6 of resolution 1373 (2001).

4. By 30 September 2003, the Committee had received 419 reports from States and others. They include first reports from 191 Member States and 5 from others, 150 second reports from Member States and 2 from others, and 71 third reports from Member States. As indicated earlier, all States have submitted their first reports.

5. Nevertheless, it should also be noted that 48 States have missed the deadlines for submission of their respective reports. The Committee, through its vice-

chairpersons, has begun to contact the Permanent Representatives to the United Nations of those States to address the reasons for the delay in order to be able to resolve them through identifying any problems and possible sources of technical assistance that will allow those States to comply fully with the provisions of resolution 1373 (2001). The Committee urges all States that have not submitted their reports on time to submit them as soon as possible in fulfilment of the provisions of resolution 1373 (2001). The Committee remains ready to work with them to find a way to progress towards the common objective of combating terrorism in the terms established by resolution 1373 (2001). The Chairman of the Committee, by 31 October, will write to the Security Council with the list of States late in the submission of their reports. The list will include the States (if any) that have contacted the Committee and those that have asked for assistance.

6. In accordance with resolution 1456 (2003), the Committee will continue to report regularly on progress made by States regarding their obligation to report to the Security Council pursuant to paragraph 6 of resolution 1373 (2001).

7. Bearing in mind the call for all States to become parties as soon as possible to the relevant international conventions and protocols relating to terrorism contained in paragraph 3 (d) of Security Council resolution 1373 (2001) and paragraph 2 (a) of Security Council resolution 1465 (2003), the Committee will remain committed to ensuring that the largest possible number of States become party to the 12 pertinent international conventions and protocols and incorporate that important body of international law into their domestic legislation. The Committee is therefore studying the possibility of taking further steps with those countries with the lowest level of participation to determine the causes and, if necessary and at the request of the States concerned, to seek the appropriate technical assistance to enable them to become parties.

II. Work of the Committee

8. In previous work programmes, the Committee has divided its work into three stages: A — focusing on legislation; B — emphasizing the strengthening of States' executive machinery; and C — establishing and reinforcing cooperation mechanisms at different levels. The Committee has approved a working document entitled "Criteria for the preparation of draft letters to States beyond stage A" for the purpose of ensuring consistency and equal treatment in the analysis of the reports submitted by States while providing balance in the attention required by those which are at stages A and B respectively.

The present document authorizes the Committee experts, in consultation with the subcommittees, to assume a more active role in their contacts with States that are still in stage A by establishing or strengthening contacts with their counterparts in international and State organizations both at the Permanent Missions to the United Nations and in their respective capitals.

Regarding the criteria for deciding that a State has reached stage B, it was agreed that no State should move to that stage until the Committee had no further comments or questions on the prior stage, while allowing some room for discretion for those on which, in the view of the Committee, only one or two questions from stage A remained pending.

Out of the multitude of aspects included in stage B, it was agreed that the Committee would decide on a case-by-case basis which questions would receive priority attention.

9. While pursuing a case-by-case approach in monitoring the implementation of resolution 1373 (2001), the Committee will bear in mind all international best practices, codes and standards that are relevant to the implementation of resolution 1373 (2001) and will continue to strengthen its cooperation with international, regional and subregional organizations working in this area.

III. Technical assistance

10. The provision of technical assistance to countries in need will remain one of the Committee's priorities. The Chairman, at the request of various delegations of the Committee, is working on an analysis of the means necessary to ensure that technical assistance receives the appropriate attention from the Committee and the Security Council. In order for the Committee to play a more dynamic role in the area of assistance, the current working methods of its experts may need to be reviewed.

11. The Committee has developed the Directory of Counter-Terrorism Information and Sources of Assistance, which can be consulted on its web site http://www.un.org/Docs/sc/committees/1373/ctc_da/index.html. The Directory is designed to be a source of information on counter-terrorism-related best practices, model laws and available assistance programmes. The Committee encourages all States seeking assistance or guidance in the matters covered by resolution 1373 (2001) to use this online information tool.

12. The Committee and its experts are ready, wherever possible, to facilitate the provision of assistance programmes to States in order to further the implementation of resolution 1373 (2001).

IV. Transparency in the work of the Committee

13. Transparency will continue to be a hallmark of the work of the Counter-Terrorism Committee.

14. The Committee will continue to provide information on its activities on a regular basis, including briefings of interested delegations by the Chairman. The previous briefing took place on 9 October.

15. The Committee has an informative web site (http://www.un.org/sc/ctc) that has become an essential source of information on all aspects of the implementation of resolution 1373 (2001). While extensive work has been done in updating and redesigning the web site, it is not yet available in all United Nations languages. The Committee and its Chairman will continue to work with the Secretariat to ensure that its web site is fully operative in all United Nations languages.

16. The Committee has updated its web site as a source of detailed information on all issues related to resolution 1373 (2001). The Committee will continue to offer all regional and subregional organizations the opportunity to submit information on their activities and action plans in order to distribute them more widely among States that need assistance. The Committee also encourages organizations to continue to submit information on international best practices, codes and standards relevant to the implementation of resolution 1373 (2001) and on any modes of

assistance and guidance in applying and implementing those best practices, codes and standards.

17. The Chairman and the Committee's experts will continue to maintain close relations with organizations and agencies of the United Nations system on aspects relevant to international counter-terrorism efforts, within the scope of the mandate contained in resolution 1373 (2001).

18. States are encouraged to make direct contact with the subcommittee or experts to seek any clarification on the issues covered in their correspondence with the Committee or on any other issue (tel.: 1-212-963-3520 or 1-212-457-1886; fax: 1-212-963-7878; e-mail: ctc@un.org).

V. Cooperation between the Committee and international, regional and subregional organizations

19. The Committee has continued to expand its contacts and cooperation with international, regional and subregional organizations as outlined in the action plan agreed following the special meeting of the Committee held on 6 March 2003. The Committee will continue to encourage and participate in meetings between international, regional and subregional organizations, such as the most recent one which took place in Washington, D.C., on 7 October, organized by the Organization of American States. The next follow-up meeting is scheduled for 12 March 2004 in Vienna. The Chairman has continued to send letters to various international organizations suggesting the specific areas where mutually beneficial cooperation can be established or strengthened. Furthermore, in order to ensure cooperation, experts have been designated to follow up on the activities of each of those organizations.

20. The Chairman and the Committee's experts will continue to establish contacts with organizations outside the United Nations system by attending regional meetings and conferences. They will also intensify contacts with international, regional and subregional organizations to learn about their functions and attitudes in combating terrorism. With a view to strengthening those contacts, the Chairman has held numerous meetings with many of their representatives. As a continuation of this policy, during the period covered by this work programme, the Chairman intends to make at least one trip to meet with some of the regional and subregional organizations headquartered in Europe, as a second stage in the contacts already made in Washington, D.C., with the Inter-American Committee against Terrorism of the Organization of American States and the International Monetary Fund.

VI. Future work of the Committee

21. The Chairman plans to submit to the Committee, for subsequent evaluation by the Security Council, a report on the problems being encountered by States in the implementation of resolution 1373 (2001) as well as difficulties with the structure and functioning of the Committee itself. The purpose of that report will be to identify the major issues and then to hold a debate on possible measures to be taken, both by the Committee and by the Security Council itself, to ensure that the obligations under resolution 1373 (2001) are met as fully and as rapidly as possible.

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Security Council

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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999) of 10 June 1999, by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested the Secretary-General to report at regular intervals on the implementation of the mandate. It covers the activities of UNMIK and developments in Kosovo, Serbia and Montenegro, since 1 July 2003.

2. As the members of the Security Council are aware, I have appointed Harri Holkeri (Finland) as my new Special Representative and Head of UNMIK. Following his arrival in Pristina on 13 August to take up his assignment, he reaffirmed the Mission's key priorities: improving the rule of law and the security situation, in particular for minority communities; furthering returns and minority rights; and strengthening economic development. These priorities are set in the context of the overall mandate of UNMIK to promote substantial autonomy and self-government in Kosovo, in accordance with resolution 1244 (1999). Initially, my Special Representative had to focus on the security situation as the recent period has been marred by a number of violent attacks directed against members of the Kosovo Serb community and UNMIK law enforcement personnel. In addition, he has been particularly active in the preparations leading up to the launch of direct dialogue on practical matters between Pristina and Belgrade. This dialogue is one of the benchmarks required to fulfil the necessary standards before Kosovo's status can be addressed.

II. Functioning democratic institutions

3. The transfer by UNMIK of non-reserved responsibilities listed in chapter 5 of the Constitutional Framework to the Provisional Institutions of Self-Government continued. Following a decision in May by the Transfer Council — set up by UNMIK and the Provisional Institutions to oversee, monitor and coordinate the transfer process — 19 of those responsibilities have now been transferred, and 17 more have been identified for transfer, in a gradual and controlled manner and in cooperation with the Provincial Institutions. It is anticipated that the remaining eight non-reserved competencies will be completely transferred by the end of 2003.

03-56293 (E) 211003

4. In addition to the transfer of the non-reserved responsibilities, the Provisional Institutions have called for the transfer of the responsibilities which are reserved to my Special Representative in accordance with chapter 8 of the Constitutional Framework. The Prime Minister of Kosovo has also presented my Special Representative with a number of proposals for closer cooperation between UNMIK and the Provisional Institutions, and for involvement of the Provisional Institutions in reserved areas. Those proposals, which are in line with resolution 1244 (1999) and the Constitutional Framework, have been accepted or are being given positive consideration. Mechanisms are being developed to gradually increase the responsibilities of the Provisional Institutions, while adhering to the Constitutional Framework. As part of increasing efforts to enhance cooperation between UNMIK and the Provisional Institutions, and in order to further operationalize the benchmarks, a benchmarks implementation plan is being developed to set clear timelines and success criteria for the achievement of the benchmarks in line with the "standards before status" formula, while assigning clear responsibility for institutions to take the lead in particular areas. With this objective in mind, UNMIK has produced a mission performance management plan to guide coordinated Mission action.

5. During the reporting period, the Government of Kosovo developed and introduced a quarterly planning and reporting cycle through which ministers will identify their policy aims for the final quarter of 2003 and report on progress made in those areas. Inter-ministerial coordination and governmental planning have also profited from the establishment of three new working groups during the reporting period, which focus on the issues of trafficking, the annual legislative work programme of the Government for the period from October 2003 to October 2004, and land management. The Government approved five draft laws, which were forwarded to the Kosovo Assembly, and agreed on a general policy direction for nine others.

6. Public sector wage levels in Kosovo continue to be of concern. The Government, as from 1 July, decided to establish a "recruitment freeze" for the remainder of the year, in order to fund a 20 per cent increase in salaries for civil servants in the health and education sectors. A committee chaired by the Office of the Prime Minister has been established to review the implementation of the freeze, including taking decisions on exemptions, which the Office has publicly stated will apply to recruitment of minorities and civil servants for reserved areas. Despite this welcome reassessment of needs and resources in the civil service, UNMIK has received several reports that recruitment procedures, as established by the Kosovo Civil Service Law and subsequent instructions, are not being followed. The service is experiencing increasing politicization which should, in part, be countered by the Independent Oversight Board to be established in November.

7. Owing to the summer recess, the Assembly of Kosovo held only six plenary meetings in the period from 1 July to 1 October. All political groups participated in all Assembly meetings or parts of the proceedings, even though several sensitive issues such as privatization, returns, and the security situation were discussed. While the Kosovo Serb caucus, Coalition Return, remains engaged in legislative work, it is also making increasing use of a special procedure, foreseen in the Constitutional Framework, which provides special guarantees for community rights. Late in August, this procedure was invoked in relation to the draft law on population and housing census and the draft law on access to official documents. On 12 September,

the procedure was also invoked in relation to the draft law on public procurement in Kosovo. On 4 September, for the first time, the Assembly rejected legislation proposed by the Government. The Assembly now routinely sets its agenda a week in advance and has improved its ability to accommodate requests for extraordinary business without incurring unwarranted delays in its regular legislative programme. Improvements can also be noted in the working relationship between the Assembly and the Government, and Ministers regularly introduce draft laws to the Assembly in person. A majority of Assembly committees now maintain regular contact with ministries, including written exchanges on draft laws and the presence of ministry representatives at committee meetings. Several committees are also reaching out to the public, conducting public hearings and field visits. UNMIK and the Assembly have set up a joint working group in a common effort to remove obstacles to the recognition by UNMIK of the Assembly's revised rules of procedure. In a declaration issued on 10 July, the Assembly stated its positive acknowledgement of the right to return of internally displaced persons from all communities.

8. Some steps have been taken in the field of local governance to improve the effectiveness and responsiveness of municipal administrations to the needs of the local population. Political gridlocks that had affected, and in some instances completely stalled, the operations of some municipal assemblies have been resolved. In most municipalities, however, the civil service shows a general lack of professionalism in implementing transparent, non-politicized and ethnically balanced procedures in areas such as recruitment and procurement. Furthermore, municipal regulations, once adopted, are often not implemented. A slight improvement in the organization of municipal files and the availability of documents to citizens has been noted, although complicated application procedures for obtaining certain documents prevail in many municipalities. Despite a visible improvement in language policies, in some cases documents are still available only in one language.

9. That the mandatory communities committees have now been established in all 24 mixed municipalities is an encouraging sign. In three municipalities they are not fully functioning, however, because of disputes over their composition. Most recent data on fair share financing from municipal budgets reflect a slight positive trend. Six municipalities have achieved the minimum level of fair share financing in all three budget lines (municipal administration, health and education) as assessed by UNMIK. Four municipalities have done so in two of the three budget lines and 12 in one budget line. Five municipalities have not achieved the minimum required allocation in even one budget line. UNMIK and the Ministry of Finance and Economy have called on representatives of those five municipalities to submit expenditure plans which will ensure the minimum required percentage allocation for the entire fiscal year 2003. UNMIK and the Ministry of Finance and Economy will consider taking executive action, including the possible imposition of fiscal sanctions, should these expenditure plans still be unsatisfactory.

10. An interim report of the Council of Europe decentralization mission, which is drawing up a reform package for local government in Kosovo, was published in the summer. The interim report called for a second tier of local government, providing local services at a sub-municipal level. The final report is scheduled for publication in mid-November.

11. In Mitrovica, UNMIK has continued to focus on promoting inter-ethnic activities and dialogue. While Kosovo Serb members of the northern Mitrovica advisory board have not yet started participating officially in meetings, the advisory board itself has been a useful channel for UNMIK to obtain feedback on its policies and initiatives.

12. Belgrade-sponsored parallel administrative structures continued to operate in many parts of Kosovo, and are common in most mixed and ethnically Serb municipalities. Kosovo Serbs continue to be employed in parallel structures through the satellite offices of Serbian utility and communications providers, the Serbian health, education and judicial systems, civil registration offices, and other official bodies. Parallel administrative structures at the municipal level have also recently emerged. In addition, Kosovo Serbs employed by the Provisional Institutions often receive a second salary from Belgrade.

13. Minority employment in the civil service at the central and municipal levels remains unsatisfactory. Kosovo minority community members still constitute less than 10 per cent of the civil servants employed within the structures of the Provisional Institutions at the central level, close to their proportion of the population but far short of the 18 per cent representation target. The greatest disparity persists in senior level positions, less than 2 per cent of minority civil servants holding such positions. Kosovo Serbs constitute on average 12 per cent and non-Serb minorities 3.3 per cent of all municipal employees. The Ministry of Public Services has not, as yet, issued an administrative instruction outlining affirmative action provisions. Despite an outreach programme initiated by the Office of the Prime Minister and the subsequent dramatic increase in the number of applications, no significant increase in the number of minority staff has been observed, mainly because most applicants withdrew their applications and, of those selected, none accepted the post. Feedback from applicants indicates that the main reason for their withdrawal/non-acceptance is allegedly the higher remuneration and long-term job security offered by parallel structures operating in Kosovo.

14. The representation of women at the professional level in the public sector has improved during the past 12 months. In each of the 30 municipalities, a position of Municipal Gender Officer has been established as a senior civil servant, funded under the Kosovo consolidated budget. The position has also been introduced at the executive level in six ministries. In order to strengthen efforts for the achievement of the gender equality goals, an Inter-Ministerial Working Group on Gender Equality has been established under the coordination of the Office of the Prime Minister, and a Gender Equality Commission has been operating in the Assembly. A draft law on gender equality has also been introduced in the Assembly. However, despite such provisions, Kosovo still has a poor record of hiring women at senior level and managerial positions.

15. The office of the Temporary Media Commissioner considered 14 complaints against the media during the period from June to August, of which two were ex officio. The complaints were lodged against one broadcaster and three newspapers. Three of the complaints were dismissed and in four cases the newspapers involved published clarification. One newspaper alone received seven complaints, was issued warnings, and was sanctioned for violating the Print Code of Conduct; two of the cases against it are still pending.

III. Rule of law

16. The period since July has been characterized by a number of violent attacks, including shootings, in which the victims were members of the Kosovo Serb community, as well as UNMIK law enforcement authorities. On 13 August, two Kosovo Serb youths were killed and four injured in a shooting incident at the village of Gorazdevac near Pec. On 18 August, a Kosovo Serb male, who had been shot in the head while fishing on 11 August, died of his wounds, and another Kosovo Serb was seriously injured in a shooting on 26 August near the returns site of Bica near Klina (Pec region). On 31 August, four Kosovo Serbs were injured and one killed in an attack in the village of Cernica (Gnjilane region). No perpetrators have been identified in any of these cases. UNMIK police and KFOR have increased security in these areas following the incidents and are continuing to investigate the crimes. While it cannot be assumed that all these crimes were inter-ethnic in nature, they nevertheless had a significant effect on feelings of insecurity among Kosovo Serbs and led other minorities to keep a low profile. Although protests against the incidents in Kosovo Serb communities have largely been peaceful, there have been instances of intimidation and harassment in Kosovo Albanian, Kosovo Serb and other communities.

17. The reporting period also saw an increase in violent incidents directed against UNMIK law enforcement personnel and property. On 3 August, an UNMIK international police officer was murdered in an attack in the northern part of Kosovo. On 6 September, an off-duty officer of the Kosovo Police Service (KPS) was murdered near Djakovica (Pec region). On 10 September, another KPS officer was shot at in Pristina. The officer was unhurt but a person accompanying him was killed. An UNMIK police station, UNMIK vehicles and the Pristina district court were damaged in explosions and other attacks. No one has claimed responsibility for any of these attacks. The majority of local politicians and representatives of the Provisional Institutions have made statements condemning the incidents. Some of those attacks came after the conviction, on 16 July, of four former members of the Kosovo Liberation Army (KLA) for war crimes committed during 1998 and 1999. This represented the first conviction of former KLA members for war crimes. Initial protests following the convictions subsided quickly.

18. UNMIK police took measures to enhance security in minority areas and other sensitive locations. In three critical areas — the northern part of Mitrovica, Pec town and Pristina town — mobile reserve units conducted random vehicle checkpoints, and vehicle and foot patrols targeted high crime areas with the specific aims of interdicting movement of persons with weapons and checking for criminals. Special investigation teams have been set up to investigate major crimes such as the killing of three Kosovo Serbs in Obilic (Pristina region) on 4 June, and the murders in Gorazdevac and Cernica, as well as the murder of the international police officer near Mitrovica. As KFOR discontinues escorts and fixed checkpoints in minority areas, the more limited police resources of UNMIK are being used innovatively by reducing predictability while maintaining a security presence in minority areas and enhancing the effectiveness of policing through greater community-based initiatives.

19. Progress continued in the prosecution of serious criminal acts, such as war crimes, terrorism and organized crime. The three war crimes trials that were reported as ongoing during the previous reporting period were completed: convictions ranged from 3 to 17 years of imprisonment. Following the enactment of

an Administrative Direction implementing UNMIK Regulation No. 2001/12 on the Prohibition of Terrorism and Related Offences, international judges and prosecutors have initiated eight criminal investigations involving alleged members of an ethnic Albanian extremist group declared by UNMIK to be a terrorist organization in April 2003. Tackling organized crime continued to be a priority; international judicial officials are involved in four significant cases related to narcotics and human trafficking.

20. The Kosovo Organized Crime Bureau continued to develop its operational and investigative capabilities. An organized crime unit comprising local Kosovo Police Service officers has been established to work in coordination with and under the supervision of the Crime Bureau. During the reporting period, besides reconnaissance, fact-finding and support operations, the Counter-Terrorism Task Force, which includes international and local police officers, has handled 16 cases and made 4 arrests. UNMIK continued to successfully address prostitution and human trafficking, as an important aspect of organized criminal activity. The Trafficking and Prostitution Investigation Unit uncovered 26 cases of trafficking during the reporting period and several establishments were closed down.

21. On 4 September, inmates of the Dubrava Prison, Kosovo's largest detention facility, occupied and barricaded a prison block in protest against living conditions, and refused to return to their cells, despite assurances from UNMIK officials that their complaints would be addressed and that no disciplinary action would be taken against them. Following an attempt by the prison guards to enter the occupied block after several hours of negotiations, a number of prisoners set fire to their mattresses. Five prisoners died, all from asphyxiation, and a further 16 were injured in the ensuing fire. A police investigation into the incident was launched immediately, and an independent Commission of Inquiry consisting of international and local members has been established to look into its causes and make recommendations to ensure that such a tragic event does not occur again.

22. With 14 international judges and 12 international prosecutors, the judicial system in Kosovo maintained the capacity to address serious crimes and sensitive inter-ethnic judicial matters. The ability of local judiciary to take on sensitive cases has improved. Of the 13 trials involving international judges or prosecutors completed during the quarter, only four were conducted pursuant to UNMIK Regulation No. 2000/64, which states that particular cases can be tried by international majority panels of judges, while the rest were handled by panels with a majority of local judges under UNMIK Regulation No. 2000/6. In two of the trials, an international public prosecutor brought the case before an all-local panel.

23. The UNMIK Department of Judicial Administration continued to strive towards establishing a multi-ethnic judiciary and an efficient court infrastructure. For the year 2003, 1,956 positions, including 423 posts for judges and prosecutors and 1,533 positions for court support staff, have been budgeted for 73 judicial institutions. With the appointment of 47 additional judges this year, the number of local judges stands at 312 including 82 women. Of the total, 281 are Kosovo Albanian, 14 Kosovo Serb and 17 are from other minority groups. Of the 44 local prosecutors, 7 are women, while 39 are Kosovo Albanian, one is a Kosovo Serb and 4 are from other minority groups. Major repairs and refurbishment of court buildings have been undertaken in a number of municipalities. Procurement action is under

way for the construction of a new courthouse in Podujevo (Pristina region) and refurbishment in Djakovica (Pec region) and Mitrovica.

24. Further progress has been made in developing the Kosovo Police Service. Two additional police stations were placed under KPS command, bringing the total number of stations under KPS command to six. Additional officers were hired, bringing the total number of KPS uniformed personnel, as at 1 October, to 5,769 officers, 201 of whom are currently in basic training. Of the total, 17.6 per cent are women and 15.6 per cent are minorities.

25. During the reporting period, 64 more persons, mostly from minority groups, were recruited into the Kosovo Correctional Service, which now has a staff of 1,416. Of these, 84.9 per cent are Kosovo Albanian, down from 86.2 per cent during the last reporting period; Kosovo Serb representation has increased marginally, from 11 per cent to 11.2 per cent, while the proportion of non-Serbian minority groups has substantially increased, from 2.8 per cent to 3.8 per cent. Some 18 per cent of the staff are female. On 7 August, the first 10 national Deputy Directors of the Kosovo Correctional Service graduated after more than six months of intensive training. On 1 September, a new Detention Centre with a cell capacity of 240 inmates became operational in Lipljan (Pristina region). However, with the loss of cell capacity in the Dubrava prison due to the fire, the total prison capacity in Kosovo stands at 1,358. Additional space will be available in 2004 when a new open prison and an additional house block at Dubrava are completed, and after the planned refurbishment of the damaged blocks at Dubrava. The prison population as at 16 September stood at 1,248, compared with 1,203 at the end of June 2003.

26. UNMIK police cooperation with their Serbian counterparts and with police authorities in Albania and in the former Yugoslav Republic of Macedonia continued. On 8 July, the scheduled opening of a temporary border crossing point with the former Yugoslav Republic of Macedonia between the villages of Debelde and Tanusevci was postponed, owing to local opposition on both sides of the border. The opening of the crossing will be reconsidered next year. On 15 August a temporary border crossing point was opened between Restelica in Kosovo and Strezimir in the former Yugoslav Republic of Macedonia for the sole use of local residents. However, UNMIK plans to close the Restelica crossing point on 1 October, because of the low number of crossings and the lack of electric power at the crossing location, and reopen it on 1 April 2004. The opening of the two border crossing points for local residents had been agreed in a protocol signed by UNMIK and the Government of the former Yugoslav Republic of Macedonia in May 2003.

IV. Freedom of movement

27. Freedom of movement still remains an issue of great concern to minority residents, particularly after the attacks involving primarily Kosovo Serb victims that occurred during the reporting period. A number of dedicated transportation services for minority community residents remained in place. The civil service bus line, the UNMIK "freedom of movement" train and the humanitarian bus service networks all continued to operate. Discussions are under way between UNMIK and the Ministries of Public Services and Transport and Communications with a view to funding the civil service bus line — which transports Kosovo Serb and other civil servants to their workplace in Pristina — from the Kosovo consolidated budget. The

bus line is currently funded from the Special Representative's contingency fund. An estimated 15 per cent of minorities continue to require special transport arrangements to reach their workplace. The UNMIK "freedom of movement" train currently transports a monthly average of 50,000 passengers. Plans are under way to provide connections to Belgrade and Skopje by the end of 2003. Normal service was resumed on 1 August on the segment of railway line where operations were severely disrupted by the explosion under the railway bridge near Zvecan (Mitrovica region) on 12 April.

28. The increased feeling of insecurity following the violent incidents has taken a toll on the confidence of the minorities. Many are demanding the reinstatement of security escorts in places where, because of improvements in security, they had been previously discontinued. KFOR and UNMIK police have also received increased demands for school escorts. In some locations, parents have refused to send their children to school without escorts. The heightened tension and the related demands by Kosovo Serbs for greater and more efficient security measures have prompted both KFOR and UNMIK to reassess and enhance security in several locations. The escorts of the buses of the humanitarian bus service, which had been lowered to 15 per cent, have been again increased to 26 per cent.

29. Freedom of movement for minorities was further hindered by the decision of the Serbian government authorities not to sign an agreement allowing the use of Kosovo licence plates in Serbia proper and their public calls for Kosovo Serbs not to register their cars with UNMIK. As at 5 September, only 82 vehicles had been registered in the northern part of Mitrovica since the process began on 29 April. The UNMIK vehicle registration campaign in other minority areas has also recorded unsatisfactory results. Only 1,139 more minority-owned vehicles were registered from the middle of May to the middle of September, bringing the total to 5,314. While the issuance of free vehicle licence plates has been extended until 31 December 2003, and also applies to non-Serb minorities, no concrete progress in vehicle registration within the Kosovo Serb community can be expected if the Government of Serbia does not adopt a positive approach to the use of Kosovo licence plates and driving licences.

V. Sustainable returns and minority rights

30. Despite setbacks resulting from recent violent incidents involving Kosovo Serb victims, the overall rate of returns continued to accelerate during the reporting period. Over 2,200 displaced persons have returned so far this year to areas where they are a minority (including 1,016 Kosovo Serbs, 693 Roma/Ashkali/Egyptians, 242 Bosniaks, 74 Gorani and 239 Kosovo Albanians). This figure represents an increase in the number of Kosovo Serb returns by 68 per cent over the same period in 2002, but this is still a small fraction of the large number of Kosovo Serbs internally displaced in Serbia and Montenegro. The level of returns in the Roma/Ashkali/Egyptian communities has remained relatively stable. Funding expected from several major donors has now been provided in Kosovo and work on a number of returns projects has begun in earnest, including the return of Kosovo Serbs to Podgorce (Gnjilane region) and Zhupa Valley (Prizren region), and Roma/Ashkali/Egyptian returns to Magura (Pristina region) and Pristina town. Work has also begun on some 50 houses for individual (or "spontaneous") returnees, with funding from the UNMIK-UNDP Rapid Response Returns Facility. The heightened

level of insecurity within the Kosovo Serb and other minority communities has not resulted in the cancellation of any returns projects, but it has led to numerous postponements of returns activities, at a stage in the season where such delays may mean that returns are not possible until next spring. It is also likely to have a dampening effect on individual returns.

31. A key development affecting the returns process has been the marked increase in the engagement in, and support for, returns and minority integration among senior level representatives of the Provisional Institutions. The month of July began with a ground-breaking initiative by Kosovo Albanian leaders and leaders of the non-Serb minorities, who came together to sign an "open letter" encouraging displaced persons to return to Kosovo. Since the appeal was made, Kosovo authorities have taken several steps to follow up on that commitment. On 10 July, the President of Kosovo and the leader of the Democratic Party of Kosovo travelled to Urosevac (Gnjilane region) to encourage future returns to the town. On the same day, the Kosovo Assembly held a session dedicated to minority returns, and adopted a resolution supporting returns. On 14 July, 24 Kosovo Serbs returned to Belo Polje (Prizren region), citing the July appeal as an encouragement for their decision to return. Most recently, the Prime Minister of Kosovo, on his own initiative, travelled to a returns site in Bica (Pec region) following a shooting incident involving Kosovo Serbs from that village. The Government of Kosovo has also allocated €7 million for returns activities from the 2002 Kosovo consolidated budget surplus.

32. In addition to the open letter initiative, there are signs of increasing engagement by Kosovo society generally in support of a more secure environment for all the people in Kosovo. Following the killing of the two Kosovo Serb youths in Gorazdevac and other shooting incidents involving Kosovo Serb victims, the media and civil society have begun to speak more openly and strongly about the need for the people of Kosovo to help address the security situation and put an end to violence. Notably, for the first time these pleas have included some criticism of Kosovo's leaders for their limited reaction to the situation.

33. Municipal authorities have continued their engagement in the returns process. Municipal working groups have been formed in 29 of the 30 municipalities, with the exception of Glogovac (Pristina region), which before the conflict had virtually no minority population and where there is currently no demand for return. Municipal authorities are involved in all of them, with differing levels of cooperation. Significantly, municipal authorities are constructively engaged in most locations where returns projects are currently under way or envisaged in the near future, with the notable exception of Pec municipality. There has also been an increased engagement by the Kosovo Police Service in the returns process, including participation in most "go-and-see" visits, inter-ethnic dialogue initiatives, and the staffing of police offices in mixed communities. UNMIK has initiated a "lessons learned" process in order to evaluate the results of the current returns season and further develop the returns strategy for 2004. A central feature of the process is to enhance the local component in returns by vesting additional responsibility in local authorities where the political will exists or can be fostered.

34. The level of integration among communities and the joint use of public services remain limited. Kosovo Albanians and Kosovo Serbs continue to use separate health care and education facilities. Attempts at the integration of existing resources or new facilities have had only marginal success, as the facilities being

used by Kosovo Serbs take direction and funding from Belgrade. Only one new integrated school has been opened in Kosovo since the previous reporting period, bringing the total of multi-ethnic educational institutions to 43, nine of which house Kosovo Albanian and Kosovo Serb students. There are still no exclusively Kosovo Serb or Roma schools that offer Albanian language classes. No Kosovo Serb students attend the University of Pristina and an attempt by Serbian students to gain entrance into a specialized summer programme there was rebuffed. Serb access to institutions of higher learning has improved somewhat with the opening of a branch of the University of Mitrovica in Gracanica (Pristina region). Primary health care for minorities in Kosovo is generally available through minority-run health-care facilities in all minority areas. The main source for secondary health care for Kosovo Serbs is the Mitrovica (North) Hospital, but the Ministry of Health has also recognized three small hospitals in the Gracanica area and integrated them as secondary facilities into the official health-care system. This should help to improve the quality of care and services available in the area. Minority community access to public utilities continues to show improvement. Most municipalities report that minorities have the same access to water and electricity as does the majority population. There are however continuing problems with the assessment and delivery of bills and payment collection.

35. Throughout the reporting period, UNMIK continued to support the implementation of community-based projects with a wide array of initiatives throughout Kosovo, aimed at fostering inter-ethnic dialogue and cooperation between receiving communities and returnees. Approximately 20 projects in all four regions have enabled local non-governmental organizations and citizens' initiatives to develop cooperative efforts in projects such as dialogue within mixed youth groups and anti-discrimination education for women. Particular emphasis was placed on engaging the municipal level representatives to ensure their longer-term sustainability.

36. A draft anti-discrimination law was approved by the Government on 17 September and is awaiting submission to the Kosovo Assembly. The draft law, which complies substantially with European Union anti-discrimination regulations, will provide vulnerable groups in society with effective legal remedies and sanctions against any form of discrimination which they might encounter in the public or private sector.

37. The ability of minority communities to use their own language freely has somewhat improved during the reporting period. A majority of municipalities now have translation staff. However, some 40 per cent of the municipalities have no institutional arrangements for the translation of documents, and overall the provision of standardized language services to members of minority communities continues to be unsatisfactory. The reluctance to use minority languages in municipal administrations continues to be a matter of significant concern, with the noticeable exception of the municipality of Prizren, which is a model of multilingual administrative structures.

38. The media in Kosovo remain divided along ethnic lines. Over 37 per cent of the 89 licensed radio stations in Kosovo broadcast in minority languages and 3 per cent operate in more than one language. Six of the 23 television stations operate in minority languages, though none use mixed languages. Mitrovica region has the

highest percentage of minority broadcasting in both radio (71 per cent) and television (75 per cent) although it has none in mixed languages.

VI. Economy

39. The privatization process of socially owned enterprises has moved forward in the past quarter. The first six privatization tenders are currently in the last phase of the process. However, before taking a final decision the Kosovo Trust Agency is seeking legal clarification necessary for it to counter challenges that could arise. The second group of 18 socially owned enterprises was tendered on 2 July and the bid opening for this round showed increased investor interest, with 180 bids being received. The total amount in provisional winning bids was €24.7 million. A third group of 24 tenders was launched on 10 September.

40. Tax revenue collection in Kosovo has continued to exceed revenue targets. Profit tax, wage tax and domestic VAT collections are significantly higher than projections, and non-tax revenues (such as fees) have already reached the level of year-end projections contained in the 2003 budget plan. The municipalities have collected fewer revenues than planned and more effort needs to be made to enforce tax collections at the municipal level. Border and boundary taxes still account for the major share of revenues and constitute 79 per cent of total revenue collection in Kosovo so far this year. The trend, however, shows that internal taxes are generating an increasing share of total revenue collection, which supports expectations of reduced reliance on border and boundary taxes in the future.

41. During July, the Kosovo Ministry of Finance and Economy outlined proposals to reform and amend tax policy in Kosovo during 2004. Plans include reducing the VAT threshold from €50,000 to €30,000, transforming the current wage tax into a fully comprehensive personal income tax, and absorbing the presumptive tax into the profit tax. A new law on tax administration and procedures will be drafted in 2003. The Government and the Assembly have agreed on a draft Customs Code, but this still has to be adopted by the Assembly. Furthermore, the Government has approved draft laws on internal trade, and on tourism and hotelier activities.

42. There are currently 454 staff in the UNMIK Customs Service, of which non-Serb minorities represent 12 per cent and Kosovo Serbs 2 per cent. Total collection of revenue by UNMIK Customs is 18 per cent above the amount collected during the same period last year, and amounted to €271 million at the end of August 2003, compared to €229 million for the same period in 2002. The Tobacco Regulation providing for fiscal stamps on tobacco products came into force on 25 June. This measure is intended to exert government control over the cigarette trade and make cigarette smuggling unattractive for organized crime.

43. External financial and operational audits were finalized during the second quarter of 2003 for the Kosovo Electricity Company (KEK), the Post and Telecommunications Company (PTK), UNMIK Railways, Pristina Airport, and publicly owned utilities in the water and waste sectors. These audits are keystones for the restructuring of public utilities and in developing appropriate models of corporate governance. External audits and additional examinations by the Banking and Payments Authority of Kosovo are being carried out annually for all banks in Kosovo.

44. The main public utilities in Kosovo continue to suffer greatly from high numbers of illegal or unregistered customers, and low levels of minority employment; minorities represent a mere 1.24 per cent of the workforce in the Kosovo Electricity Company. During July and August 2003, only 45 per cent of all power delivered by the company was billed, of which only 61 per cent was collected. This resulted in approximately €2.8 million lost revenue due to non-payment of bills during the reporting period. Efforts currently under way to remedy the situation include the launch of the "KEK-Yes" public information campaign. For the same period, public utility providers in the water and waste sectors showed an improvement in billing rate, 100 per cent of known customers being billed, although only 62 per cent was collected. As for the telephone provider PTK, 100 per cent of all customers were billed during July and August, with a collection rate of 80 per cent. Only 4 per cent of the PTK workforce comes from minority communities.

45. The European Union's Stabilization and Association Process Tracking Mechanism, set up to monitor and provide recommendations on economic development and structural reforms in Kosovo and to ensure compatibility with European standards and best practices, met in July and discussed justice and home affairs, media, telecommunications and transport. In order to ensure the progressive implementation of the recommendations, the European Office in pillar IV has held sectoral meetings with relevant Kosovo institutions. The next meeting of the Mechanism in October is expected to cover selected sectors of economic legislation, trade and customs.

VII. Property rights

46. The establishment of a final deadline of 1 July 2003 for submission of property claims allowed the Housing and Property Directorate to make a final accounting of disputed property cases in Kosovo. The Directorate has now received 28,587 claims of which, by 1 September, it had resolved 31 per cent, at a rate of over 1,000 per month. The Directorate is on track to resolve 45 per cent of all claims by the end of 2003, the vast majority expected to be resolved by the end of 2004. In over 85 per cent of cases where property claims have been registered, the Directorate has now notified the purported illegal occupant. Some 150 evictions have been carried out since 15 June 2003, including in the northern part of Mitrovica, without incident. The Directorate has now revised its procedures for notification of successful claims and expects the number of evictions to increase over the next few months. A survey of abandoned property has resulted in the investigation of 2,037 abandoned or illegally occupied properties throughout Kosovo. The Directorate has placed 480 of the investigated properties under administration. This brings the total number of properties administered by the Directorate to 3,000, most of which have been reallocated on humanitarian grounds. The Directorate is now developing procedures for handing over those properties to the municipalities.

VIII. Dialogue with Belgrade

47. The start of direct talks on practical matters of mutual interest between Pristina and Belgrade has dominated the political agenda in Kosovo. My Special Representative has been actively engaged in preparations for the dialogue since his

arrival in August. Following extensive rounds of consultations with the Kosovo Albanians, Kosovo Serbs, and the political leaders of Serbia and Montenegro and the Republic of Serbia, the dialogue was launched on 14 October in Vienna, with the participation of the President of Kosovo and the Speaker of the Kosovo Assembly, and the Prime Minister and Deputy Prime Minister of the Republic of Serbia. Following the dialogue's initial plenary session, working groups of experts are to discuss four key areas on the agenda, namely, energy, the missing, returns, and transport and communications.

48. While the direct dialogue has been launched at the political level, direct, working level cooperation between Pristina and Belgrade continues in a number of areas through the mediation of UNMIK officials. Though unmediated contact has yet to be established between Pristina and Belgrade in most sectors, the Ministry of Labour and Social Welfare now holds regular monthly meetings with counterparts in Belgrade. In this particular sector, Serbian officials deal directly with the relevant officials of the Provisional Institutions with little involvement of UNMIK personnel. A result of this exemplary cooperation has been the transfer of more than 50 mentally disabled adults and children to their original homes. There have been occasional, informal contacts between officials of the Provisional Institutions and Serbian officials during international conferences or workshops, however these are ad hoc and are not generally followed up. Since the arrival of my new Special Representative, cooperation between UNMIK and Belgrade has been positive, the Serbian authorities reaffirming in public statements a commitment to cooperate with UNMIK. Cooperation has been fruitful in the areas of police, security and justice, including the return of 43 mortal remains to Kosovo during the reporting period.

IX. Kosovo Protection Corps

49. Concern at the presence within the Kosovo Protection Corps (KPC) of extremist or criminal elements prompted increased scrutiny of Corps members during the reporting period. Following an investigation conducted jointly by UNMIK and KFOR, 16 KPC members have now been recommended for disciplinary action by my Special Representative, who will make a final decision on the recommendations. As part of the effort to increase professionalism and reliability in the Corps, a new oath has been introduced to enhance the individual responsibility of KPC members. As a result, 68 members who decided that they would not be able to comply with the requirements of the oath voluntarily left KPC. The high-level Civil Protection Development Group co-chaired by my Special Representative and the Commander of KFOR has provided a broad basis for cooperation between the international community and KPC. Its working groups discuss training and community projects and comprise representatives from KPC, UNMIK and KFOR, and in some cases, from the International Organization for Migration. There is a better understanding among the KPC leaders that successful professional development of the organization requires focus of its members on civil development.

50. The strength of the Kosovo Protection Corps currently stands at 2,954 active members of a total of 3,052 authorized, and 1,735 reserve members of a total of 2,000 authorized. The rate of non-compliance with the KPC Disciplinary Code and Kosovo laws decreased during the reporting period. There were 32 cases of non-compliance, 22 leading to dismissal, 17 of them because of absenteeism, 2 pursuant to court decisions, 2 due to weapons violations and 1 in connection with criminal

activities. The other 10 cases were minor. Recruitment of minority representatives in KPC falls far short of goals but has shown some progress. Currently, KPC has 121 minority members, 18 of whom are Kosovo Serbs. Minorities thus account for 4.1 per cent of the total strength, or about 41 per cent of the posts set aside for the minorities.

51. Property and infrastructure downsizing of the Kosovo Protection Corps has gained momentum, nine sites being vacated during the reporting period. Twelve more sites are expected to be handed over to their rightful owners by KPC. UNMIK is further defining the legal basis for KPC activities as a civil emergency agency. A number of documents, such as the draft law on civil emergency preparedness, a draft administrative direction on the establishment of the Kosovo Protection Corps and the draft KPC terms of service, have been prepared and discussed by all the entities involved with the organization. KPC has further developed its demining capability, though a critical funding shortfall for demining operations persists.

X. Support matters

52. UNMIK will continue to implement its downsizing strategy in line with the approved budget for the fiscal year July 2003 to June 2004, which provides for a reduction of approximately 5 per cent over the previous budget and the abolishment of 139 international and 301 local staff posts. The present approved budget is $315 million, with $117 million allocated to military liaison officers, contingent-owned equipment and civilian police, $145 million for international and local civilian staff and United Nations Volunteers, and $53 million for operational costs.

XI. Observations

53. UNMIK has continued to make progress in establishing substantial autonomy and self-government, as required under resolution 1244 (1999). In implementing the Mission's mandate, my Special Representative continues to operate within the framework provided by the "standards before status" policy. The Provisional Institutions, Kosovo's political entities and the representatives of its communities should continue to work towards the achievement of those standards. The ongoing transfer of non-reserved responsibilities listed in chapter 5 of the Constitutional Framework increasingly provides the Provisional Institutions with the possibility to demonstrate their capacity to assume additional responsibilities, and their ability to ensure efficient and effective administration.

54. I am encouraged by indications that the Provisional Institutions increasingly focus on adopting policies and legislation which address the concrete and immediate needs of the population of Kosovo, and I welcome signs of a strengthened cooperation and consultation with UNMIK. While there have been noticeable improvements in the internal coordination and effectiveness of the policy-making and legislative processes within the Provisional Institutions, more remains to be done to ensure adequate levels of minority representation and employment at both the central and local levels of government. A number of municipalities have yet to achieve adequate levels of political participation by minorities in municipal affairs, or to ensure appropriate fair share financing and an impartial application of recruitment procedures. The continuing existence of parallel administrative

structures in Kosovo, which are supported by Belgrade, is an impediment to the consolidation of fully representative and multi-ethnic institutions and an obstacle to the full integration of Kosovo Serbs into those institutions. These structures should be dismantled and replaced by cooperation with the multi-ethnic Provisional Institutions, in order to provide a better life for members of all of the communities in Kosovo.

55. The security situation in Kosovo, which has been marred in recent months by a number of serious incidents involving minorities, remains a cause for serious concern. The violence threatens the process of normalization in Kosovo and of reconciliation among its communities. It contributes to an increased insecurity among Kosovo's minorities, leads to heightened inter-ethnic tensions, and represents an obstacle to the international community's efforts in Kosovo. Violence targeting minorities is unacceptable and must be condemned in the strongest terms. Kosovo's leaders should follow their welcome condemnation of the attacks with concrete steps aimed at ensuring that they do not recur.

56. Acts of violence and intimidation against the Kosovo minorities also risk undermining any progress in enabling minority returns. It is crucial that the Kosovo Albanian and the Kosovo Serb communities continue to work together and strengthen their cooperation, especially at the local level, in order to increase tolerance and create a climate that will enable the returns process to move forward. I am encouraged by the public statements made by the leaders in support of returns, including in the "open letter" (see para. 31 above) and the Assembly resolution on returns adopted in July. I especially welcome the Government's allocation of public funding for returns. Kosovo Albanian political leaders should now call upon their local representatives to ensure a commitment by municipal authorities to creating an environment conducive to returns and integration.

57. UNMIK remains firmly committed to establishing the rule of law and to providing Kosovo with effective and sustainable judicial institutions and law enforcement structures. While there has been concrete progress in the prosecution of serious crimes, including war crimes, increased attacks against UNMIK law enforcement personnel and structures, which have led for the first time to the murder of an UNMIK police officer, are a cause for serious concern and remind us of the difficulties associated with establishing the rule of law in Kosovo.

58. Economic growth and development are central to the normalization of life in Kosovo and to the integration of its communities. While unemployment remains high, there is some progress in creating a sustainable foundation for Kosovo's economy. The privatization process represents a step along the road to a functioning market economy, and the interest which has been shown by regional and international investors in Kosovo is encouraging.

59. The development of effective institutions of self-government in Kosovo needs to take place in a context of improving contacts and cooperation with Belgrade. My Special Representative has made the establishment of direct dialogue on practical matters of mutual concern between Pristina and Belgrade one of his central priorities. I welcome the parties' commitment to engage in this dialogue, and I call on both sides to make their best efforts to ensure that the talks, which were launched on 14 October in Vienna, result in concrete actions leading to a measurable improvement in the daily lives of residents.

60. In conclusion, I would like to express my appreciation to my Special Representative, Harri Holkeri, for his energetic efforts since his assumption of his duties, and to my Principal Deputy Special Representative, Charles Brayshaw, for his leadership of UNMIK during the interim period. I would also like to express my appreciation to the men and women of UNMIK for the commitment and professionalism shown in carrying out their duties in difficult and at times dangerous conditions. Finally, my gratitude goes to our partners within UNMIK, the European Union and the Organization for Security and Cooperation in Europe, as well as to KFOR, and to the organizations, agencies, contributors and donors for their substantial political and material support in implementing Security Council resolution 1244 (1999).

Annex I

Composition and strength of the UNMIK police as at 30 September 2003

Country	*Number*	*Country*	*Number*
Argentina	141	Malaysia	31
Austria	39	Mauritius	5
Bangladesh	74	Nepal	36
Belgium	1	Nigeria	26
Bulgaria	86	Norway	19
Cameroon	20	Pakistan	187
Canada	10	Philippines	61
Czech Republic	16	Poland	122
Denmark	26	Portugal	15
Egypt	60	Romania	175
Fiji	31	Russian Federation	118
Finland	23	Senegal	16
France	81	Slovenia	15
Germany	329	Spain	11
Ghana	58	Sweden	40
Greece	20	Switzerland	11
Hungary	5	Tunisia	4
India	341	Turkey	161
Italy	54	United Kingdom	128
Jordan	411	United States	399
Kenya	44	Ukraine	188
Kyrgyzstan	4	Zambia	6
Lithuania	8	Zimbabwe	54
Malawi	17		
Total			**3 727**

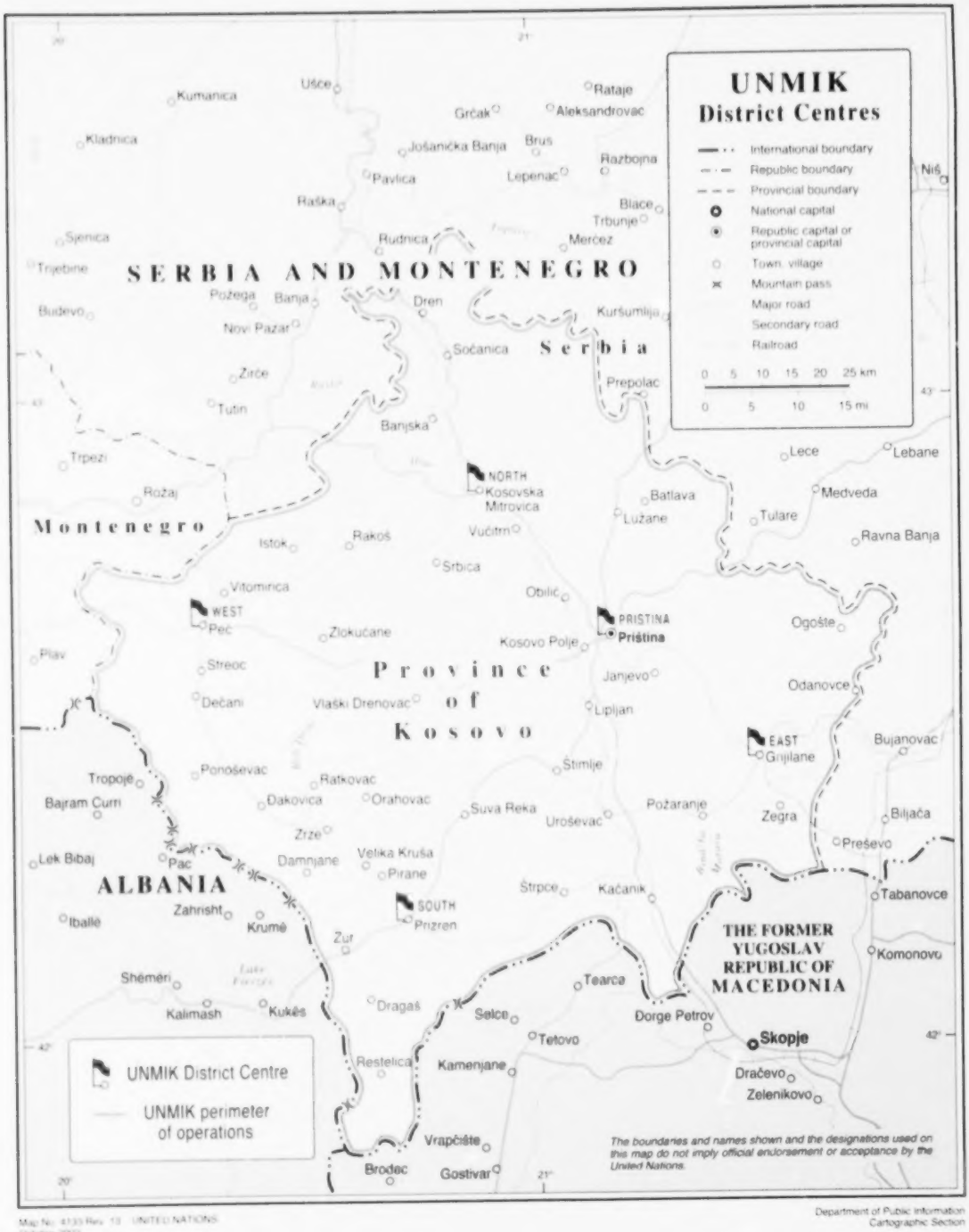
Composition of the Kosovo Police Service as at 1 October 2003

Category	*Percentage*	*Number*
Kosovo Albanians	84.36	4 867
Kosovo Serbs	9.41	543
Other ethnic minority members	6.23	357
Total		**5 769**
Men	82.40	4 904
Women	17.60	865

Annex II

Composition and strength of the Military Liaison Component of the United Nations Interim Administration Mission in Kosovo (as at 1 October 2003)

Nationality	*Number of liaison officers*
Argentina	1
Bangladesh	1
Belgium	1
Bolivia	1
Bulgaria	1
Chile	1
Czech Republic	1
Finland	2
Hungary	1
Ireland	3
Italy	1
Jordan	1
Kenya	1
Malawi	1
Malaysia	1
Nepal	2
New Zealand	1
Norway	2
Pakistan	1
Poland	1
Romania	1
Russian Federation	2
Spain	2
Switzerland	1
Ukraine	2
United Kingdom	1
United States of America	2
Zambia	1
Total	**37**



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